

Gephart, Albert

From: Dregne, James
Sent: Tuesday, March 28, 2006 7:07 PM
To: Outlaw, Douglas; Kothur, Bheem
Cc: Posner, Augusta; Pelz, Susan; Gephart, Albert
Subject: FW: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

FYI

I guess we are splitting the permit unless we hear differently from you by Thursday morning. I will be in all day on Wednesday. If you want solid waste to include UO in their denial, it should be easy to put the UO part back in the draft denial.

-----Original Message-----

From: Pelz, Susan
Sent: Tuesday, March 28, 2006 5:48 PM
To: McGuire, Chris
Cc: Kutash, William; Morgan, Steve; Dregne, James; Gephart, Albert
Subject: HOWCO- CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.071(l)(d)1, F.S.

Chris,

Attached is the draft denial for HOWCO's solid waste processing facility permit. Please let us know if you have any comments or language changes. We have to walk this through to Deborah by **Thursday this week**.

It's our understanding that the used oil group/RCRA is handling the used oil permit application separately.

Thanks,

Susan



HOWCO SWPF
465-03-SO denial

CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO § 119.071(l)(d)1, F.S.

Gephart, Albert

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Sent: Tuesday, March 28, 2006 5:48 PM
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HOWCO SWPF
465-03-SO denial

CONFIDENTIAL ATTORNEY WORK PRODUCT EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO § 119.071(l)(d)1, F.S.



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

In the matter of an
Application for Permit by:

DEP File Nos. 92465-003-SO/31
Pinellas County

Mr. Tim Hagan, President
Hagan Holding Company dba HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, Florida 33713

NOTICE OF PERMIT DENIAL

The applicant, Hagan Holding Company, Mr. Tim Hagan, president and CEO applied to the Department of Environmental Protection for a permit for operation of the existing solid waste processing facility on August 29, 2005. The facility is referred to as the **HOWCO Environmental Services Solid Waste Processing Facility**, located at 843 43rd Street South, St. Petersburg, Pinellas County, Florida.

The Department has permitting jurisdiction under Sections 403.707 and 403.861, Florida Statutes (F.S.), and Chapters 62-4 and 62-701, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a solid waste processing facility permit is required for the proposed work.

Pursuant to Rule 62-4.070(2), F.A.C., if, after review of the application and all the information, the Department determines that the applicant has not provided reasonable assurance that the construction, expansion, or operation of the installation will be in accord with applicable laws or rules, including rules of approved local programs,

"More Protection, Less Process"

Printed on recycled paper.

the Department shall deny the permit. The applicant has not provided reasonable assurance of demonstrating compliance with the requirements of Chapters 62-701, F.A.C., to the Department. The application does not comply with the following rule requirements:

1. Rule 62-701.710(2), F.A.C., requires that a permit for a waste processing facility permit be submitted on DEP Form #62-701.900(4). A revised application form with the following information was not provided.

a. Part A.5. - DEP ID Number: The DEP ID number for the facility is SWD-60-86933. A revised application form to reflect this ID number was not provided.

b. Part A.7. - Location Coordinates: A review the Department's GIS data indicates that the latitude and longitude coordinates identified on the submitted application form appear to represent a location approximately 570 feet north of the center of the facility. A revised application form for this item that indicates the latitude and longitude coordinates for the approximate center of the waste processing facility was not provided.

c. Part B. - Additional Information: The required supporting information for this permit application specified by each of the items listed in this section of the application form was not provided.

2. Information that addresses and confirms that each of the Rule 62-701.300, F.A.C. prohibitions will not be violated by the proposed operation of the waste processing facility was not provided. (Rule 62-701.300, F.A.C.)

3. A revised permit application and supporting information that is prepared under the direction of and signed and sealed by a professional engineer registered in the State of Florida was not provided. (Rule 62-701.320(6), F.A.C.)

4. A revised permit application that complies with the content and format specified by Rule 62-701.320(7), F.A.C. was not provided. (Rule 62-701.320(7), F.A.C.)

5. A history and description of all enforcement actions described in Rule 62-701.320(3), F.A.C., involving the applicant and/or the officers/agents of the corporation during the last five years, related to this and any other solid waste management facilities in the State of Florida was not provided. (Rule 62-701.320(7)(i), F.A.C.)

6. Proof of publication of the Notice of Application was not provided. (Rule 62-701.320(8), F.A.C.)

7. Information that adequately describes and projects future types and quantities of solid waste to be collected, stored, processed, or disposed, as related to the solid waste management facility, and

provides the supporting assumptions used to make these projections was not provided. (Rule 62-701.710(2)(a), F.A.C.)

8. A site plan that shows the site conditions and details specified by Rule 62-701.710(2)(b), F.A.C. was not provided. (Rule 62-701.710(2)(b), F.A.C.)

9. Information that identifies and describes the operation, functions, design criteria and expected performance of the processing equipment associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(c), F.A.C.)

10. Information that describes the loading, unloading, storage, and processing areas associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(d), F.A.C.)

11. Information that identifies and provides the capacity of the on-site storage areas associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(e), F.A.C.)

12. Information that provides a plan for disposal and waste handling capabilities in the event of operation interruption associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(f), F.A.C.)

13. A boundary survey, legal description, and topographic survey of the property were not provided. (Rule 62-701.710(2)(g), F.A.C.)

14. Information provided in Attachment 1 of this application failed to provide an operation plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(4), F.A.C. (Rule 62-701.710(2)(h), F.A.C.)

15. Information provided in Attachment 8 of this application failed to provide a closure plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(6), F.A.C. (Rule 62-701.710(2)(i), F.A.C.)

16. Information provided in Attachment 8 of this application failed to specifically identify the closure activities associated with the solid waste processing facility, failed to provide the documentation, calculations, and assumptions utilized in support of the quantities provided, and failed to provide current third-party estimates in support of the loading, hauling, disposal, and site cleanup costs, associated with closure of the solid waste processing facility. (Rule 62-701.710(2)(i), F.A.C. and Rule 62-701.710(7), F.A.C.)

17. Information that demonstrates that the solid waste processing facility conforms to the design requirements for a waste processing facility was not provided. (Rule 62-701.710(3), F.A.C.)

18. Information that provides documentation of compliance with the financial assurance requirements of Rule 62-701.710(7), F.A.C. was not provided. (Rule 62-701.710(7), F.A.C.)

19. A copy of a permit for stormwater management or documentation that no permit is required was not provided. (Rule 62-701.710(8), F.A.C.)

20. Rule 62-4.070(5), F.A.C. The Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met.

a. Rules 62-4.090 and 62-701.320(10)(a), F.A.C., requires that a permit renewal application be timely and sufficient, requires that a permit renewal application be submitted prior to sixty days before expiration of the existing permit, and provides that the existing permit shall remain in effect if the application is timely and sufficient or if the application is made complete prior to the expiration of the existing permit. Permit No. 92465-HO06-001 expired on August 3, 2005. The application for permit renewal for the solid waste processing facility was submitted on August 29, 2005. The application for permit renewal was therefore not timely or sufficient nor made complete prior to the expiration of the existing permit. As a result, Permit No. 92465-HO06-001 no longer remains in effect. Based on a Department site inspections conducted on November 7, 2005 and March 23, 2006, the applicant is continuing to operate the used oil processing and solid waste processing facilities without a valid permit from the Department in violation of Rules 62-4.030, 62-701.320(1), and 62-701.710(1)(b), F.A.C.

The Department will **deny** the permit unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative (proceeding) hearing in accordance with Section 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this denial. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a

waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's final action may be different from the position taken by it in this permit denial. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition and to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C. Mediation is not available in this proceeding.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of permit denial. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Chapters 62-110 and 28-106, F.A.C. Upon timely filing a petition or a request for an extension of time, this permit denial will not be effective until further Order of the Department.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this **NOTICE OF PERMIT DENIAL** and all copies were mailed before the close of business on _____ to the listed persons.

Date Stamp

FILING AND ACKNOWLEDGMENT FILED,
on this date, pursuant to
Section 120.52(11), Florida
Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

(Clerk)

(Date)

DAG/sgm

Copies furnished to:

Pinellas County Notification List

John Jones, Jones Ecosystem Management, 11587 W. Atlantic Blvd., Suite 27, Coral Springs Fl. 33071

Laurel Lockett, Carlton Fields, P.O. Box 3239, Tampa, FL 33601-3239

Kelsi Oswald, Pinellas County SW, 3095 114th Ave. N. St. Petersburg, Fl. 33716,

James Dregne, HW Section, FDEP Tampa

Fred Wick, FDEP Tallahassee

Douglas Outlaw, FDEP Tallahassee

Richard Tedder, FDEP Tallahassee

John Griffith, FDEP Tallahassee

William Kutash, FDEP Tampa

Susan Pelz, P.E., FDEP Tampa

Gephart, Albert

From: Putcha, Subra
Sent: Tuesday, March 28, 2006 5:40 PM
To: Outlaw, Douglas; Kothur, Bheem; Gephart, Albert; Dregne, James
Cc: Posner, Augusta
Subject: Chronological Order of Events for HOWCO

Attached is the chronological order of events for Howco facility. If you have any other information, please let me know or add to the list.

Thanks
Subra

3/29/2006

3/28/06 HOWCO mtg.

by Clint / Kutash / Dwyer / Morgan / Reby

ALSO

TALKED TO Rick Neves - ASSESSMENT OF HOWCO closure cost

AND

Bhram Kothur [8781]

Doubt OUTLAW

} Tally want to go to test every batch

ENFORCEMENT
ACTION FOR

Late & Deficient Information

Gephart, Albert

From: Mike Wolfe [mikewolfe@howcousa.com]
Sent: Tuesday, March 28, 2006 8:30 AM
To: Gephart, Albert
Subject: RE: Permit Renewal

Al,

I'll send you two copies of the secondary containment calculations today. Please forward a copy to Tallahassee.

From: Gephart, Albert [mailto:Albert.Gephart@dep.state.fl.us]
Sent: Monday, March 27, 2006 7:38 AM
To: mikewolfe@howcousa.com
Subject: Permit Renewal

Thanks for the revisions to the used oil portion of the permit. I have sent them up to Tallahassee for review. For the used oil portion **only**, I think we may have three remaining issues. The sampling frequency of processed oil, the PE seal on the secondary containment calculations and that the used oil closure cost should have been third party estimates. These are my comments, Tallahassee may have others after review. I have not addressed the solid waste issues, those remain in the Solid Waste Section domain for resolution.

Al

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/28/2006

Dregne, James

From: Gephart, Albert
Sent: Monday, March 27, 2006 2:55 PM
To: Kutash, William; Dregne, James; Pelz, Susan
Cc: Morgan, Steve
Subject: FW: HOWCO phone inquiry

-----Original Message-----

From: Neves, Richard
Sent: Monday, March 27, 2006 2:45 PM
To: Posner, Augusta; Kothur, Bheem; Gephart, Albert; Putcha, Subra
Cc: Outlaw, Douglas; Clarke, Raoul; McGuire, Chris
Subject: HOWCO phone inquiry

FYI:

I received a phone call earlier today from Tim Hagan and Mike Wolf from HOWCO.

They said they had a couple of used oil questions.

They asked if they were to pick up "oily wastewater" from an oil/water separator, and then stored the collected material in a tank on site and the contents of this tank then separated while sitting there they would have a layer of oil which they would draw off and run through their recycling process, a layer of water which they would draw off and run through their water treatment process, and a layer of sludge that they would solidify and send for landfill disposal. The question posed was "would we be the generator of the sludge?" I said it seemed as if they would be, but I could not give a definite answer without first checking with District personnel.

The conversation meandered over some related topics which seemed to revolve around whether certain materials from the above scenario would be oily wastes managed under Used Oil standards, or solid waste. I said I thought 279 looked at materials destined for disposal to be not subject to regulation as used oil and would therefore be a solid waste, but that I would have to reread the applicability section of 279 to be able to say for sure.

The conversation then moved into the solid waste (SW)/used oil (UO) permit issues that seem to permeate all of HOWCO's compliance issues. A number of issues were raised, most of which I've heard before, including: 1) are the SW/UO permit standards the same state wide (HOWCO seems to be of the opinion that they are not); 2) why, when it comes to SW/UO permit issues, is there a difference between the HOWCO St. Pete permit and the HOWCO Astor permit and; 3) why is that HOWCO has to do a waste determination for each generator when Safety Kleen can do a waste determination by the truckload, which includes materials collected from a number of various generators. I told them this didn't sound "kosher" to me but that I was not a RCRA expert. They asked what the hold up was in terms of their used oil permit as the three minor points seemed easily remedied. I told them I was under the impression that the solid waste issues might take precedence over the used oil issues. They were quite upset to hear this. I told them I was neither a RCRA, nor SW, nor OGC expert but that I was only relaying my impression of how their compliance issues were unfolding. I told them I would pass along their concerns to the appropriate persons.

As the conversation wound down, I apologized for giving vague answers and added that I was concerned about making a policy statement while their facility compliance issues were the topic of Department internal discussions to the extent that OGC was involved. They said that was all they needed to know and thanked me for my time.

I told them, as OGC was involved I would refer all future inquiries to that office. I probably should have said this in the first place.

From now on, unless told otherwise, I will refer any HOWCO inquiries to OGC and/or the District office.

Rick Neves
Environmental Specialist
Hazardous Waste Management Section (MS 4555)

3/28/2006

Florida Department of Environmental Protection

2600 Blair Stone Road

Tallahassee, FL 32399-2400

Phone: (850) 245-8755

Fax: (850) 245-8811

Web Page: http://www.dep.state.fl.us/waste/categories/used_oil/default.htm

Please note: Florida has a very broad public records law. Most written communications to or from state officials regarding state business are public records available to the public and media upon request. Your e-mail communications may be subject to public disclosure.

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Florida Department of Environmental Protection

3/27/2006

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Gephart, Albert

From: Gephart, Albert
Sent: Monday, March 27, 2006 7:38 AM
To: 'mikewolfe@howcousa.com'
Subject: Permit Renewal
Contacts: Mike Wolfe

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Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/30/2006

Dregne, James

From: Posner, Augusta
Sent: Saturday, March 25, 2006 8:53 PM
To: Putcha, Subra; Gephart, Albert; Kothur, Bheem; Outlaw, Douglas
Cc: Dregne, James; Pelz, Susan; McGuire, Chris
Subject: RE: HOWCO Revised Permit Renewal Application 032306

I agree that if the applications were not complete until March 23, the 90 day clock does not begin until March 23.

If you think you can resolve the issues within the 90 day time period beginning March 23 and you have permission from your supervisors to continue processing an untimely application you may do so.

-----Original Message-----

From: Putcha, Subra
Sent: Fri 3/24/2006 1:59 PM
To: Posner, Augusta; Gephart, Albert; Kothur, Bheem; Outlaw, Douglas
Cc:
Subject: FW: HOWCO Revised Permit Renewal Application 032306

Augusta

Howco is still responding to UO NOD part by part. On March 23, district received response to few of the deficiencies identified to them after the first response. Based on this I think we still have enough time (a month from March 23) to act on denial of the permit. Please let me if I am wrong. Al Gephart sent me an email today morning that he received part NOD response yesterday.

Thanks
 Subra

From: Gephart, Albert
Sent: Friday, March 24, 2006 8:35 AM
To: Putcha, Subra; Kothur, Bheem
Cc: Dregne, James
Subject: HOWCO Revised Permit Renewal Application 032306

Attached is the revised renewal application sent to me by Mike Wolfe on 3/23/06. I have original copies to send to you.

This version

- 1) Retains the 1/month processed oil testing which we do not approve.
- 2) They still have to submit "sealed" documents of the secondary containment calculations.
- 3) A decision needs to be made to accept or deny the Used Oil Closure Cost Estimate.

Subra - as far as your questions on their response to the NOD. I offer the following:

General

a. I only had one drawing (D-8-2) that the number was not visible. There is a copy of drawing D-8-2 in the revised package that I will send to you. If there are any others let me know. All of mine now have numbers.

c. Revision numbers have been changed on the revised pages (Revision 2).

Specific Conditions

2.b I only have copies of the calculations. Mike Wolfe is going to get John Jones to "seal" originals and send us originals.

3/28/2006

3.b HOWCO has not elected to change the sampling protocol. It remains at one/month.

4.a HOWCO revised page 10 to include the 40 CFR citation.

5.a HOWCO revised the descriptions.

6.a The description has been added and D-8-2 is included in the package. At the meeting in Tampa we agreed that listing containers/tanks would only be a duplication of the tanks list and was not necessary.

6.b Revision was made (page 14).

6.f Revised page 22. Removed reference to Appendix B. Now there are no Appendices for Attachment #6.

6.g References to Appendix B have been removed.

6.i This was revised (reference to Appendix B was taken out). There is no reference to a list of emergency equipment. We agreed at the meeting we didn't need a list.

7.a At the meeting here in Tampa we agreed to drop this. It is within the training program. HOWCO is to send "sealed" copies of the secondary containment calculations.

8.d On page 30 is the 2006 Solid Waste Closure Estimate. This is the same as the one they were required to submit to the solid waste section per their permit. I do not see where we came up with the \$11,500 number. As for the used oil closure cost estimate, I told Mike Wolfe that we should get comments from Rick Neves since he would know what the other facilities have submitted. HOWCO's estimate is not a third party estimate. The used oil closure cost is now in the Table of Contents and the title page for Appendix 1. Please determine prior to any further action if the used oil closure cost is going to be part of the application and if their document is to be accepted or has to be re-done by a third party.

9.a My notes from the meeting in Tampa was that we would accept the training section.

AFG

Albert F. Gephart

Engineering Specialist IV

Hazardous Waste Management

Phone: (813) 632-7600 Ext. 372

Fax: (813) 632-7664

email: albert.gephart@dep.state.fl.us

Gephart, Albert

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Sent: Friday, March 24, 2006 8:35 AM
To: Putcha, Subra; Kothur, Bheem
Cc: Dregne, James
Subject: HOWCO Revised Permit Renewal Application 032306

Attached is the revised renewal application sent to me by Mike Wolfe on 3/23/06. I have original copies to send to you.

This version

- 1) Retains the 1/month processed oil testing which we do not approve.
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3/27/2006

numbers.

c. Revision numbers have been changed on the revised pages (Revision 2).

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AFG

Albert F. Gephart

Engineering Specialist IV

Hazardous Waste Management

Phone: (813) 632-7600 Ext. 372

Fax: (813) 632-7664

email: albert.gephart@dep.state.fl.us

Dregne, James

From: Gephart, Albert
Sent: Friday, March 24, 2006 2:32 PM
To: Pelz, Susan; Dregne, James
Cc: Kutash, William; Morgan, Steve
Subject: RE: HOWCO Revised Permit Renewal Application 032306

Subra refers to the used oil portion of the permit application. We have not received any revisions to the original application that addresses solid waste issues except for a solid waste closure cost submittal on Feb. 10, 2006 that was required by the former permit.

-----Original Message-----

From: Pelz, Susan
Sent: Friday, March 24, 2006 2:25 PM
To: Gephart, Albert; Dregne, James
Cc: Kutash, William; Morgan, Steve
Subject: Re: HOWCO Revised Permit Renewal Application 032306

Are we handling these as one application or two?

Sent from my BlackBerry Wireless Device
Susan Pelz

-----Original Message-----

From: Gephart, Albert <Albert.Gephart@dep.state.fl.us>
To: Dregne, James <James.Dregne@dep.state.fl.us>; Pelz, Susan <Susan.Pelz@dep.state.fl.us>
CC: Kutash, William <William.Kutash@dep.state.fl.us>; Morgan, Christopher <Christopher.Morgan@dep.state.fl.us>
Sent: Fri Mar 24 14:08:20 2006
Subject: FW: HOWCO Revised Permit Renewal Application 032306

-----Original Message-----

From: Putcha, Subra
Sent: Friday, March 24, 2006 2:00 PM
To: Posner, Augusta; Gephart, Albert; Kothur, Bheem; Outlaw, Douglas
Subject: FW: HOWCO Revised Permit Renewal Application 032306

Augusta

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Cc: Dregne, James

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Dregne, James

From: Kutash, William
Sent: Friday, March 24, 2006 2:28 PM
To: Pelz, Susan; Gephart, Albert; Dregne, James
Cc: Morgan, Steve
Subject: RE: HOWCO Revised Permit Renewal Application 032306

We can discuss on Monday.

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Dregne, James

From: Gephart, Albert
Sent: Friday, March 24, 2006 1:56 PM
To: Dregne, James
Subject: FW: HOWCO

-----Original Message-----

From: Kothur, Bheem
Sent: Friday, March 24, 2006 1:50 PM
To: Posner, Augusta; Gephart, Albert; Putcha, Subra
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris
Subject: RE: HOWCO

Hello Augusta: Thanks for your response and we will follow as you addressed to us.

Subra: Please provide to Al Gephart and August Posner questions to Answer ASAP.

Just remember everyone: The existing permit is only one permit and that is SW permit that too was issued by the district office SW section. FYI combined permits were issued only few facilities and on case by case basis and for smaller facilities?

That's all

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The intent should recite that there is a related permit application pending and that the used oil program has independent grounds to deny the permit based on an inadequate application to it. The used oil NOD should be attached as an exhibit to the intent.

The intent should notify Howco that the intent is a denial of all aspects of the permit application, including the deficiencies identified by the used oil program.

Subra should look for rules and regs that support denial of the UO permit based on the three noted deficiencies: frequency of sampling, sealed docs for secondary containment, cost estimates, and identify any other deficiencies with citations.

Keep in mind there is a potential enforcement case here: operating without a permit. Their applications came in after the expiration dates, therefore the old permit does not exist anymore. The only basis for extending an expiring permit is a complete application BEFORE the permit expires.

3/28/2006

CONFIDENTIAL ATTORNEY WORK PRODUCT
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.07(3)(I), F.S.

Agusta P. Posner
State of Florida Department
of Environmental Protection
3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399-2000
ph (850) 245-2282
FAX (850) 245-2302
augusta.posner@dep.state.fl.us

-----Original Message-----

From: Kothur, Bheem
Sent: Friday, March 24, 2006 1:20 PM
To: Gephart, Albert; Putcha, Subra; Posner, Augusta
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul
Subject: RE: HOWCO

Hello Augusta: I do not know what is going on with SW permit application and NOD comments and responses. I do know there are few issues with UO NOD responses and I am sure those can be resolved and corrected and can be drafted the UO permit. Please let us discuss about the UO application, their NOD responses and what we should do or what facility should do before we make a decision. Augusta, we will do whatever you suggests/recommends to do and will do. Please let us discuss and decide ASAP. Thanks.

FYI, I may take off on Monday; however, Doug Outlaw will be here on Monday morning only as part time until Noon for next 2-3 weeks. Augusta, I also left a message to you on the phone.

That's all

Bheem

From: Gephart, Albert
Sent: Friday, March 24, 2006 12:52 PM
To: Kothur, Bheem
Cc: Outlaw, Douglas
Subject: HOWCO

You may be aware from the emails (I know Doug Outlaw was copied) that the Southwest District wants to deny HOWCO's permit application. What I would like from you guys are the SPECIFIC citations in the Florida Statutes, Florida Rules or Federal Regulations that are a basis for the denial. For used oil my list was only the analysis plan (frequency of sampling) failure to submit sealed documents of secondary containment calculations and whether the used oil closure cost is acceptable. If Subra has additional items, please include those. I know you are much more knowledgeable in the regulations so that you can cite exactly the citations for the above and any others that we can put in the denial notification. Of course they wanted it yesterday.

Thanks for your help

AI

AFG

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According to the SWD both parts of Howco's combined UO and SW permit expired because they did not file a timely renewal application. If that is so there is no existing permit.

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Hello Augusta: I do not know what is going on with SW permit application and NOD comments and responses. I do know there are few issues with UO NOD responses and I am sure those can be resolved and corrected and can be drafted the UO permit. Please let us discuss about the UO application, their NOD responses and what we should do or what facility should do before we make a decision. Augusta, we will do whatever you suggests/recommends to do and will do. Please let us discuss and decide ASAP. Thanks.

FYI, I may take off on Monday; however, Doug Outlaw will be here on Monday morning only as part time until Noon for next 2-3 weeks. Augusta, I also left a message to you on the phone.

That's all

Bheem

From: Gephart, Albert
Sent: Friday, March 24, 2006 12:52 PM
To: Kothur, Bheem

3/28/2006

Cc: Outlaw, Douglas
Subject: HOWCO

You may be aware from the emails (I know Doug Outlaw was copied) that the Southwest District wants to deny HOWCO's permit application. What I would like from you guys are the SPECIFIC citations in the Florida Statutes, Florida Rules or Federal Regulations that are a basis for the denial. For used oil my list was only the analysis plan (frequency of sampling) failure to submit sealed documents of secondary containment calculations and whether the used oil closure cost is acceptable. If Subra has additional items, please include those. I know you are much more knowledgeable in the regulations so that you can cite exactly the citations for the above and any others that we can put in the denial notification. Of course they wanted it yesterday.

Thanks for your help

AI

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/28/2006

Gephart, Albert

From: Posner, Augusta
Sent: Friday, March 24, 2006 1:53 PM
To: Kothur, Bheem; Gephart, Albert; Putcha, Subra
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris
Subject: RE: HOWCO

According to the SWD both parts of Howco's combined UO and SW permit expired because they did not file a timely renewal application. If that is so there is no existing permit.

CONFIDENTIAL ATTORNEY WORK PRODUCT
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.07(3)(l), F.S.

Agusta P. Posner
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3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399-2000
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FAX (850) 245-2302
augusta.posner@dep.state.fl.us

-----Original Message-----

From: Kothur, Bheem
Sent: Friday, March 24, 2006 1:50 PM
To: Posner, Augusta; Gephart, Albert; Putcha, Subra
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris
Subject: RE: HOWCO

Hello Augusta: Thanks for your response and we will follow as you addressed to us.

Subra: Please provide to Al Gephart and August Posner questions to Answer ASAP.

Just remember everyone: The existing permit is only one permit and that is SW permit that too was issued by the district office SW section. FYI combined permits were issued only few facilities and on case by case basis and for smaller facilities?

That's all

Bheem.

From: Posner, Augusta
Sent: Friday, March 24, 2006 1:35 PM
To: Kothur, Bheem; Gephart, Albert; Putcha, Subra
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris
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3/24/2006

Since the majority of the deficiencies are attributable to the solid waste aspects, and that application was addressed to SWD, then SWD could issue the denial solely on the basis of the deficiencies listed in the SWD response to Howco's application. Having established jurisdiction over the main claim, SWD would then exercise pendant jurisdiction over the subordinate claim, namely the used oil application.

The intent should recite that there is a related permit application pending and that the used oil program has independent grounds to deny the permit based on an inadequate application to it. The used oil NOD should be attached as an exhibit to the intent.

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Subra should look for rules and regs that support denial of the UO permit based on the three noted deficiencies: frequency of sampling, sealed docs for secondary containment, cost estimates, and identify any other deficiencies with citations.

Keep in mind there is a potential enforcement case here: operating without a permit. Their applications came in after the expiration dates, therefore the old permit does not exist anymore. The only basis for extending an expiring permit is a complete application BEFORE the permit expires.

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Sent: Friday, March 24, 2006 1:20 PM
To: Gephart, Albert; Putcha, Subra; Posner, Augusta
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul
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3/24/2006

Dregne, James

From: Gephart, Albert
Sent: Friday, March 24, 2006 1:43 PM
To: Dregne, James
Subject: FW: HOWCO
Importance: High

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From: Posner, Augusta
Sent: Friday, March 24, 2006 1:35 PM
To: Kothur, Bheem; Gephart, Albert; Putcha, Subra
Cc: Outlaw, Douglas; Neves, Richard; Clarke, Raoul; McGuire, Chris
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Dregne, James

From: Gephart, Albert
Sent: Friday, March 24, 2006 8:35 AM
To: Putcha, Subra; Kothur, Bheem
Cc: Dregne, James
Subject: HOWCO Revised Permit Renewal Application 032306

Attached is the revised renewal application sent to me by Mike Wolfe on 3/23/06. I have original copies to send to you.

This version

- 1) Retains the 1/month processed oil testing which we do not approve.
- 2) They still have to submit "sealed" documents of the secondary containment calculations.
- 3) A decision needs to be made to accept or deny the Used Oil Closure Cost Estimate.

Subra - as far as your questions on their response to the NOD. I offer the following:

General

- a. I only had one drawing (D-8-2) that the number was not visible. There is a copy of drawing D-8-2 in the revised package that I will send to you. If there are any others let me know. All of mine now have numbers.
- c. Revision numbers have been changed on the revised pages (Revision 2).

Specific Conditions

- 2.b I only have copies of the calculations. Mike Wolfe is going to get John Jones to "seal" originals and send us originals.
- 3.b HOWCO has not elected to change the sampling protocol. It remains at one/month.
- 4.a HOWCO revised page 10 to include the 40 CFR citation.
- 5.a HOWCO revised the descriptions.
- 6.a The description has been added and D-8-2 is included in the package. At the meeting in Tampa we agreed that listing containers/tanks would only be a duplication of the tanks list and was not necessary.
- 6.b Revision was made (page 14).
- 6.f Revised page 22. Removed reference to Appendix B. Now there are no Appendices for Attachment #6.
- 6.g References to Appendix B have been removed.
- 6.i This was revised (reference to Appendix B was taken out). There is no reference to a list of emergency equipment. We agreed at the meeting we didn't need a list.
- 7.a At the meeting here in Tampa we agreed to drop this. It is within the training program. HOWCO is to send "sealed" copies of the secondary containment calculations.
- 8.d On page 30 is the 2006 Solid Waste Closure Estimate. This is the same as the one they were required to submit to the solid waste section per their permit. I do not see where we came up with the \$11,500 number. As for the used oil closure cost estimate, I told Mike Wolfe that we should get comments from Rick Neves since he would know what the other facilities have submitted. HOWCO's estimate is not a third party estimate. The used oil closure cost is now in the Table of Contents and the title page for Appendix 1. Please determine prior to any further action if the used oil closure cost is going to be part of the application and if their document is to be accepted or has to be re-done by a third party.

3/28/2006

9.a notes from the meeting in Tampa was that we would accept the training section.

AFG

Albert F. Gephart

Engineering Specialist IV

Hazardous Waste Management

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Fax: (813) 632-7664

email: albert.gephart@dep.state.fl.us

Gephart, Albert

From: McGuire, Chris
Sent: Thursday, March 23, 2006 11:10 PM
To: Pelz, Susan; Comer, Patricia; Chisolm, Jack; Kutash, William; Posner, Augusta; Dregne, James; Outlaw, Douglas
Cc: Gephart, Albert; Morgan, Steve; Knauss, Elizabeth
Subject: Re: HOWCO

Bearing in mind that I have been skiing all day and am now moldering in an airport I have these comments. Firstly, there is no renewal application because the underlying permit has expired. Secondly, the provision you quoted in 62-701.320 just means that a uopf doesn't need a SW permit just for managing used oil. It will need a SW permit if it manages other solid wastes. I believe we have the authority to issue a single permit that covers all issues, but I know of no right to a single permit. Thirdly, since there is no renewal, I don't see the advantage of trying to combine denials. And now I am running low on juice. I'll be back later tomorrow.
Chris

Sent from my BlackBerry Wireless Device

-----Original Message-----

From: Pelz, Susan <Susan.Pelz@dep.state.fl.us>
To: Comer, Patricia <Patricia.Comer@dep.state.fl.us>; McGuire, Chris <Chris.McGuire@dep.state.fl.us>; Chisolm, Jack <Jack.Chisolm@dep.state.fl.us>; Kutash, William <William.Kutash@dep.state.fl.us>; Posner, Augusta <Augusta.Posner@dep.state.fl.us>; Dregne, James <James.Dregne@dep.state.fl.us>; Outlaw, Douglas <Douglas.Outlaw@dep.state.fl.us>
CC: Gephart, Albert <Albert.Gephart@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@dep.state.fl.us>; Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>
Sent: Thu Mar 23 18:13:42 2006
Subject: HOWCO

HOWCO is a used oil processing facility located in St. Petersburg. They also accept and process oily solid wastes at this facility.

Their current permit (92465-HO06-001) expired on August 3, 2005 and was a "combined" used oil & solid waste permit.

They submitted a "renewal" application for their used oil permit on August 23, 2005 (# 33721-001-HO) which is pending. They submitted a "renewal" application for the solid waste processing part of the facility/operation on August 29, 2005. Neither application was timely since they were submitted after the existing permit expired.

The solid waste "application" did not include the required solid waste application form or supporting information. Solid waste district staff sent a request for information on September 20, 2005. The used oil application was deficient and TAL staff sent a request for information (notice of deficiency NOD) on September 22, 2005.

In their "applications" HOWCO has insisted that they want a combined SW/UO permit. Although they haven't specified the Rule that they are claiming this under, Rule 62-701.320(14), F.A.C., indicates that used oil processing facilities "are not required to obtain a separate solid waste permit."

The used oil application is insufficient and the solid waste application is grossly inadequate. Most of the deficiencies are related to the solid waste part of the applications. Since HOWCO has insisted on a combined permit, we are proposing to deny both applications. Please find attached a draft Notice of Permit Denial. We have included both the solid waste and used oil deficiencies.

Our day 90 to take action is 4/2/06. Please let me know if TAL RCRA wants to execute the denial, or should SWD District Solid Waste do it. I am proposing that solid waste take the lead on the denial since most of the issues are solid waste related. Whoever takes

the lead on the denial we need to do it soon. Deborah doesn't like getting permit actions near day 90.

<<HOWCO SWPF 92465-03-SO denial.doc>>

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From: Posner, Augusta
Sent: Thursday, March 23, 2006 8:25 PM
To: Pelz, Susan; Comer, Patricia; McGuire, Chris; Chisolm, Jack; Kutash, William; Dregne, James; Outlaw, Douglas
Cc: Gephart, Albert; Morgan, Steve; Knauss, Elizabeth
Subject: RE: HOWCO

No actually that suggests a path forward. Since the majority of the deficiencies are attributable to the solid waste aspects, and that application was addressed to SWD, then SWD could issue the denial solely on the basis of the deficiencies listed in the SWD response to Howco's application. Having established jurisdiction over the main claim, SWD would then exercise pendant jurisdiction over the subordinant claim, namely the used oil application.

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Sent: Thu 3/23/2006 7:34 PM
To: Posner, Augusta; Comer, Patricia; McGuire, Chris; Chisolm, Jack; Kutash, William; Dregne, James; Outlaw, Douglas
Cc: Gephart, Albert; Morgan, Steve; Knauss, Elizabeth
Subject: Re: HOWCO

They sent the used oil part to TAL & the solid waste piece to SWD.

Not any clearer huh.....

Susan

Sent from my BlackBerry Wireless Device
Susan Pelz

-----Original Message-----

From: Posner, Augusta <Augusta.Posner@dep.state.fl.us>
To: Pelz, Susan <Susan.Pelz@dep.state.fl.us>; Comer, Patricia <Patricia.Comer@dep.state.fl.us>; McGuire, Chris <Chris.McGuire@dep.state.fl.us>; Chisolm, Jack <Jack.Chisolm@dep.state.fl.us>; Kutash, William <William.Kutash@dep.state.fl.us>; Dregne, James <James.Dregne@dep.state.fl.us>; Outlaw, Douglas <Douglas.Outlaw@dep.state.fl.us>

CC: Gephart, Albert <Albert.Gephart@dep.state.fl.us>; Morgan, Steve <Steve.Morgan@dep.state.fl.us>; Knauss, Elizabeth <Elizabeth.Knauss@dep.state.fl.us>

3/24/2006

Sent: Thu Mar 23 18:29:41 2006

Subject: RE: HOWCO

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Whoever issued the expired permit should probably deny the renewal. Alternatively the office to which they sent the renewal application should probably deny the renewal. I have a sinking feeling they are one and the same RCRA in TLH.

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To: Comer, Patricia; McGuire, Chris; Chisolm, Jack; Kutash, William; Posner, Augusta; Dregne, James; Outlaw, Douglas

Cc: Gephart, Albert; Morgan, Steve; Knauss, Elizabeth
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The used oil application is insufficient and the solid waste application is grossly inadequate. Most of the deficiencies are related to the solid waste part of the applications. Since HOWCO has insisted on a combined permit, we are proposing to deny both applications. Please find attached a draft Notice of Permit Denial. We have included both the solid waste and used oil deficiencies.

Our day 90 to take action is 4/2/06. Please let me know if TAL RCRA wants to execute the denial, or should SWD District Solid Waste do it. I am proposing that solid waste take the lead on the denial since most of the issues are solid waste related. Whoever takes the lead on the denial we need to do it soon. Deborah doesn't like getting permit actions near day 90.

<< File: HOWCO SWPF 92465-03-SO denial.doc >>

Dregne, James

From: Posner, Augusta
Sent: Thursday, March 23, 2006 6:30 PM
To: Pelz, Susan; Comer, Patricia; McGuire, Chris; Chisolm, Jack; Kutash, William; Dregne, James; Outlaw, Douglas
Cc: Gephart, Albert; Morgan, Steve; Knauss, Elizabeth
Subject: RE: HOWCO

Nothing's easy! Gaarrhh!

Whoever issued the expired permit should probably deny the renewal. Alternatively the office to which they sent the renewal application should probably deny the renewal. I have a sinking feeling they are one and the same RCRA in TLH.

CONFIDENTIAL ATTORNEY WORK PRODUCT
EXEMPT FROM PUBLIC DISCLOSURE PURSUANT TO §119.07(3)(I), F.S.

Agusta P. Posner
State of Florida Department
of Environmental Protection
3900 Commonwealth Blvd. MS 35
Tallahassee, FL 32399-2000
ph (850) 245-2282
FAX (850) 245-2302
augusta.posner@dep.state.fl.us

-----Original Message-----

From: Pelz, Susan
Sent: Thursday, March 23, 2006 6:14 PM
To: Comer, Patricia; McGuire, Chris; Chisolm, Jack; Kutash, William; Posner, Augusta; Dregne, James; Outlaw, Douglas
Cc: Gephart, Albert; Morgan, Steve; Knauss, Elizabeth
Subject: HOWCO
Importance: High

HOWCO is a used oil processing facility located in St. Petersburg. They also accept and process oily solid wastes at this facility.

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HOWCO
2465-03-SO d



Jeb Bush
Governor

Department of Environmental Protection

Southwest District
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926
Telephone: 813-632-7600

Colleen M. Castille
Secretary

CERTIFIED MAIL

RETURN RECEIPT REQUESTED

In the matter of an
Application for Permit by:

**DEP File Nos. 92465-003-SO/31
and 33721-HO???-003
Pinellas County**

Mr. Tim Hagan, President
Hagan Holding Company dba HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, Florida 33713

NOTICE OF PERMIT DENIAL

The applicant, Hagan Holding Company, Mr. Tim Hagan, president and CEO applied to the Department of Environmental Protection for permit renewal for operation of the existing used oil processing facility on August 23, 2005, and operation of the existing solid waste processing facility on August 29, 2005. The facility is referred to as the **HOWCO Environmental Services Solid Waste Processing Facility**, located at 843 43rd Street South, St. Petersburg, Pinellas County, Florida. In the application for permit, the applicant stated that it was their intention to receive a single, combined used oil processing and solid waste processing facility permit.

The Department has permitting jurisdiction under Sections 403.707 and 403.861, Florida Statutes (F.S.), and Chapters 62-4 and 62-701, Florida Administrative Code (F.A.C.). The project is not exempt from permitting procedures. The Department has determined that a combined used oil processing and solid waste processing facility permit is required for the proposed work.

"More Protection, Less Process"

Printed on recycled paper.

Pursuant to Rule 62-4.070(2), F.A.C., if, after review of the application and all the information, the Department determines that the applicant has not provided reasonable assurance that the construction, expansion, or operation of the installation will be in accord with applicable laws or rules, including rules of approved local programs, the Department shall deny the permit. The applicant has not provided reasonable assurance of demonstrating compliance with the requirements of Chapters 62-701 and 62-710, F.A.C., to the Department. The application does not comply with the following rule requirements:

1. Rule 62-701.710(2), F.A.C., requires that a permit for a waste processing facility permit be submitted on DEP Form #62-701.900(4). A revised application form with the following information was not provided.

a. Part A.5. - DEP ID Number: The DEP ID number for the facility is SWD-60-86933. A revised application form to reflect this ID number was not provided.

b. Part A.7. - Location Coordinates: A review the Department's GIS data indicates that the latitude and longitude coordinates identified on the submitted application form appear to represent a location approximately 570 feet north of the center of the facility. A revised application form for this item that indicates the latitude and longitude coordinates for the approximate center of the waste processing facility was not provided.

c. Part B. - Additional Information: The required supporting information for this permit application specified by each of the items listed in this section of the application form was not provided.

2. Information that addresses and confirms that each of the Rule 62-701.300, F.A.C. prohibitions will not be violated by the proposed operation of the waste processing facility was not provided. (Rule 62-701.300, F.A.C.)

3. A revised permit application and supporting information that is prepared under the direction of and signed and sealed by a professional engineer registered in the State of Florida was not provided. (Rule 62-701.320(6), F.A.C.)

4. A revised permit application that complies with the content and format specified by Rule 62-701.320(7), F.A.C. was not provided. (Rule 62-701.320(7), F.A.C.)

5. A history and description of all enforcement actions described in Rule 62-701.320(3), F.A.C., involving the applicant and/or the

officers/agents of the corporation during the last five years, related to this and any other solid waste management facilities in the State of Florida was not provided. (Rule 62-701.320(7)(i), F.A.C.)

6. Proof of publication of the Notice of Application was not provided. (Rule 62-701.320(8), F.A.C.)

7. Information that adequately describes and projects future types and quantities of solid waste to be collected, stored, processed, or disposed, as related to the solid waste management facility, and provides the supporting assumptions used to make these projections was not provided. (Rule 62-701.710(2)(a), F.A.C.)

8. A site plan that shows the site conditions and details specified by Rule 62-701.710(2)(b), F.A.C. was not provided. (Rule 62-701.710(2)(b), F.A.C.)

9. Information that identifies and describes the operation, functions, design criteria and expected performance of the processing equipment associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(c), F.A.C.)

10. Information that describes the loading, unloading, storage, and processing areas associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(d), F.A.C.)

11. Information that identifies and provides the capacity of the on-site storage areas associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(e), F.A.C.)

12. Information that provides a plan for disposal and waste handling capabilities in the event of operation interruption associated with the solid waste processing facility was not provided. (Rule 62-701.710(2)(f), F.A.C.)

13. A boundary survey, legal description, and topographic survey of the property were not provided. (Rule 62-701.710(2)(g), F.A.C.)

14. Information provided in Attachment 1 of this application failed to provide an operation plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(4), F.A.C. (Rule 62-701.710(2)(h), F.A.C.)

15. Information provided in Attachment 8 of this application failed to provide a closure plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(6), F.A.C. (Rule 62-701.710(2)(i), F.A.C.)

16. Information provided in Attachment 8 of this application failed to specifically identify the closure activities associated with the solid waste processing facility, failed to provide the documentation, calculations, and assumptions utilized in support of the quantities provided, and failed to provide current third-party estimates in support of the loading, hauling, disposal, and site cleanup costs, associated with closure of the solid waste processing facility. (Rule 62-701.710(2)(i), F.A.C. and Rule 62-701.710(7), F.A.C.)

17. Information that demonstrates that the solid waste processing facility conforms to the design requirements for a waste processing facility was not provided. (Rule 62-701.710(3), F.A.C.)

18. Information that provides documentation of compliance with the financial assurance requirements of Rule 62-701.710(7), F.A.C. was not provided. (Rule 62-701.710(7), F.A.C.)

19. A copy of a permit for stormwater management or documentation that no permit is required was not provided. (Rule 62-701.710(8), F.A.C.)

20. Information that identifies and describes the recordkeeping criteria and procedures associated with the solid waste processing facility was not provided. (Rule 62-701.710(9), F.A.C.)

21. The facility's proposed waste analysis plan does not meet the requirement of 40 CFR 279.55(b), as adopted by Florida Administrative Code Rule 62-710.201(2). The plan does not propose to sample and analyze all oil that the facility intends to market as on-specification used oil fuel. The plan does not provide the information that would be used to make the specification determination if analysis is not conducted.

22. The facility has failed to demonstrate compliance with Rule 62-710.401(6), FAC. The facility has not provided original secondary containment calculations for its tank farms that have been signed and sealed by a Professional Engineer registered in the State of Florida.

23. Rule 62-4.070(5), F.A.C. The Department shall take into consideration a permit applicant's violation of any Department rules at any installation when determining whether the applicant has provided reasonable assurances that Department standards will be met.

a. Rules 62-4.090 and 62-701.320(10)(a), F.A.C., requires that a permit renewal application be timely and sufficient, requires that a permit renewal application be submitted prior to sixty days before expiration of the existing permit, and provides that the existing permit shall remain in effect if the application is timely and sufficient or if the application is made complete prior to the expiration of the existing permit. Permit No. 92465-HO06-001 expired on August 3, 2005. The application for permit renewal for the solid waste processing facility was submitted on August 29, 2005. The application for permit renewal was therefore not timely or sufficient nor made complete prior to the expiration of the existing permit. As a result, Permit No. 92465-HO06-001 no longer remains in effect. Based on a Department site inspections conducted on November 7, 2005 and March 23, 2006, the applicant is continuing to operate the used oil processing and solid waste processing facilities without a valid permit from the Department in violation of Rules 62-4.030, 62-701.320(1), and 62-701.710(1)(b), F.A.C.

The Department will **deny** the permit unless a petition for an administrative proceeding (hearing) is filed pursuant to the provisions of Section 120.57, F.S. A person whose substantial interests are affected by the Department's proposed permitting decision may petition for an administrative (proceeding) hearing in accordance with Section 120.57, F.S. The petition must contain the information set forth below and must be filed (received) in the Office of General Counsel of the Department at 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000. Petitions filed by the permit applicant and the parties listed below must be filed within 14 days of receipt of this denial. Petitioner shall mail a copy of the petition to the applicant at the address indicated above at the time of filing. Failure to file a petition within this time period shall constitute a waiver of any right such person may have to request an administrative determination (hearing) under Section 120.57, F.S.

The Petition shall contain the following information;

- (a) The name, address, and telephone number of each petitioner, the applicant's name and address, the Department File Number and the county in which the project is proposed;
- (b) A statement of how and when each petitioner received notice of the Department's action or proposed action;
- (c) A statement of how each petitioner's substantial interests are affected by the Department's action or proposed action;
- (d) A statement of the material facts disputed by the petitioner, if any;
- (e) A statement of the facts which petitioner contends warrant reversal or modification of the Department's action or proposed action;
- (f) A statement of which rules or statutes petitioner contends require reversal or modification of the Department's action or proposed action; and
- (g) A statement of the relief sought by the petitioner, stating precisely the action the petitioner wants the Department to take with respect to the Department's action or proposed action.

If a petition is filed, the administrative hearing process is designed to formulate agency action. Accordingly, the Department's

final action may be different from the position taken by it in this permit denial. Persons whose substantial interests will be affected by any decision of the Department with regard to the application have the right to petition and to become a party to the proceeding. The petition must conform to the requirements specified above and be filed (received) within 14 days of receipt of this notice in the Office of General Counsel at the above address of the Department. Failure to petition within the allowed time frame constitutes a waiver of any right such person has to request a hearing under Section 120.57, F.S., and to participate as a party to this proceeding. Any subsequent intervention will only be at the approval of the presiding officer upon motion filed pursuant to Rule 28-5.207, F.A.C. Mediation is not available in this proceeding.

Because the administrative hearing process is designed to formulate final agency action, the filing of a petition means that the Department's final action may be different from the position taken by it in this notice of permit denial. Persons whose substantial interests will be affected by any such final decision of the Department on the application have the right to petition to become a party to the proceeding, in accordance with the requirements set forth above.

This action is final and effective on the date filed with the Clerk of the Department unless a petition is filed in accordance with the above paragraphs or unless a request for extension of time in which to file a petition is filed within the time specified for filing a petition and conforms to Chapters 62-110 and 28-106, F.A.C. Upon timely filing a petition or a request for an extension of time, this permit denial will not be effective until further Order of the Department.

When the Order is final, any party to the Order has the right to seek judicial review of the Order pursuant to Section 120.68, F.S., by the filing of a Notice of Appeal pursuant to Rule 9.110, Florida Rules of Appellate procedure, with the Clerk of the Department in the Office of General Counsel, 3900 Commonwealth Blvd., Mail Station 35, Tallahassee, Florida 32399-3000; and by filing a copy of the Notice of Appeal accompanied by the applicable filing fees with the appropriate District Court of Appeal. The Notice of Appeal must be filed within 30 days from the date the Final Order is filed with the Clerk of the Department.

Executed in Tampa, Florida.

STATE OF FLORIDA
DEPARTMENT OF ENVIRONMENTAL PROTECTION

Deborah A. Getzoff
District Director
Southwest District

CERTIFICATE OF SERVICE

The undersigned duly designated deputy agency clerk hereby certifies that this **NOTICE OF PERMIT DENIAL** and all copies were mailed before the close of business on _____ to the listed persons.

Date Stamp

FILING AND ACKNOWLEDGMENT FILED,
on this date, pursuant to
Section 120.52(11), Florida
Statutes, with the designated
Department Clerk, receipt of which
is hereby acknowledged.

(Clerk)

(Date)

DAG/sgm

Copies furnished to:

Pinellas County Notification List

John Jones, Jones Ecosystem Management, 11587 W. Atlantic Blvd., Suite 27, Coral
Springs Fl. 33071

Laurel Lockett, Carlton Fields, P.O. Box 3239, Tampa, FL 33601-3239

Kelsi Oswald, Pinellas County SW, 3095 114th Ave. N. St. Petersburg, Fl. 33716,

James Dregne, HW Section, FDEP Tampa

Fred Wick, FDEP Tallahassee

Douglas Outlaw, FDEP Tallahassee

Richard Tedder, FDEP Tallahassee

John Griffith, FDEP Tallahassee

William Kutash, FDEP Tampa

Susan Pelz, P.E., FDEP Tampa

Gephart, Albert

To: Pelz, Susan

Cc: Dregne, James

Subject: HOWCO UOP Issues

The facility's Analysis Plan, as required by 40 CFR 279.55, is deficient in that the frequency of sampling processed used oil to demonstrate that it meets 40 CFR 279.72 is not that which the FDEP had previously approved.

The facility has failed to demonstrate compliance with 62-710.401(6), FAC. The facility has not provided original secondary containment calculations for its tank farms that have been signed and sealed by a Professional Engineer registered in the State of Florida.

AFG

Albert F. Gephart

Engineering Specialist IV

Hazardous Waste Management

Phone: (813) 632-7600 Ext. 372

Fax: (813) 632-7664

email: albert.gephart@dep.state.fl.us

Dregne, James

From: Gephart, Albert
Sent: Thursday, March 23, 2006 2:50 PM
To: Pelz, Susan
Cc: Dregne, James
Subject: HOWCO UOP Issues

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ATG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/28/2006

17. Information that demonstrates that the solid waste processing facility conforms to the design requirements for a waste processing facility was not provided. (Rule 62-701.710(3), F.A.C.)
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19. A copy of a permit for stormwater management or documentation that no permit is required was not provided. (Rule 62-701.710(8), F.A.C.)
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 - a. Rules 62-4.090 and 62-701.320(10)(a), F.A.C., requires that a permit renewal application be timely and sufficient, requires that a permit renewal application be submitted prior to sixty days before expiration of the existing permit, and provides that the existing permit shall remain in effect if the application is timely and sufficient or if the application is made complete prior to the expiration of the existing permit. Permit No. 92465-H006-001 expired on August 3, 2005. The application for permit renewal for the solid waste processing facility was submitted on August 29, 2005. The application for permit renewal was therefore not timely or sufficient nor made complete prior to the expiration of the existing permit. As a result, Permit No. 92465-H006-001 no longer remains in effect. Based on a Department site inspections conducted on November 7, 2005 and March 23, 2006, the applicant is continuing to operate the used oil processing and solid waste processing facilities without a valid permit from the Department in violation of Rules 62-4.030, 62-701.320(1), and 62-701.710(1)(b), F.A.C.

Dregne, James

From: Mike Wolfe [mikewolfe@howcousa.com]
Sent: Thursday, March 23, 2006 12:05 PM
To: bill.kutash@dep.state.fl.us; Dregne, James
Cc: Neves, Richard; 'Tim Hagan'
Subject: HOWCO Meeting

Bill,

We realize that we are in disagreement over our approach to our pending permit and would like an opportunity to sit down and discuss the issue prior to the agency declaring their intent. It is our sincere desire to resolve this issue and move forward with a new permit. We will make ourselves available at your earliest convenience for this meeting. Please let me know when you would be available.

Sincerely,

Michael Wolfe
V.P. Sales
HOWCO Environmental Services
727-327-8467

3/28/2006

O D-8-2

O Secondary Containment Calculations - Need originals with "seal"

Analysis Plan - To Be Determined Later

changed Table and Page reference Taken out - put in 40 CFR 279.11
and PCBs
changed to Rec 2

changed Incoming ^{Added} Transporter name & address
generator " " EPA ID

Gephart, Albert**To:** Mike Wolfe (E-mail)**Subject:** RE: NOD_Response_Comments For Mike Wolfe

Mike - these are the issues I received from Tallahassee. Following this list is my response to Tallahassee and what we have to address on Thursday.

Al

Here are my comments. I am giving my comments in the order we wrote in the NOD.

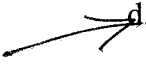
GENERAL

- D-8-2*
- a. Some of the Drawings are cut off at the bottom and not showing the number and name (type of drawing). We need a legible copy. Otherwise we do not know what drawing we are looking at.
 - b. OK
 - c. OK in the main application. Subsequent response to our NOD on 1/31/06 some of the revision numbers still show 1. They need to take the latest submission (Revision 2) to modify not the older version.

Specific Conditions:

1. OK
2.
 - a. OK
 - b. NOD response has revision number 1, need to be changed to revision 2. They need to use latest version of the document to make changes not the older version. Also, the calculations need to be certified, do you have a certified copy or otherwise they have to submit a professional engineer certified copy.
3.
 - a. OK
 - b. Analysis Plan - was HOWCO going to change?
 - c. OK
 - d. OK
4.
 - a. NOD response shows old revision number. Also, the blank left on page 10 is not filled.
5.
 - a. NOD request was not fulfilled.
6.
 - a. NOD request was not fulfilled.
 - b. NOD request was not fulfilled. *was done p. 14*
 - c. OK
 - d. OK
 - e. OK
 - f. NOD request was not fulfilled.
 - g. Reference to Appendix B need to be eliminated and mention that the list of local authorities is outlined at the end of the attachment or make the list a separate appendix B.
 - h. OK
 - i. NOD request not taken care. I still see Appendix B for list of emergency equipment.

3/20/2006

- j. OK
- 7. a. NOD request not fulfilled.
- b. OK
- 8. a. OK
- b. OK
- c. OK
-  d. Submitted but need to be reviewed. They are not certified separately. They are not a third party estimate.
- e. Need to be reviewed. - done yet - picks issues
- 9. a. NOD request not fulfilled. *see training doc*

Al's Comments on the above list

General

- a. Based on the title of the drawing you can determine what the number is. I wrote the number on the drawing by hand.
- c. Revision numbers are not consistent throughout. Revision dates would help more than revision numbers.

Specific Conditions

2.b I only have copies of the calculations. It appears that the seal may have been on the originals, you can see a trace of a seal on the copy. However, they did send a Part II PE Certification that is sealed and item 1 on that form is certifying containment capacity.

3.b HOWCO has the option of changing the sampling protocol or leaving it as it is in the application.

4.a They should send a revised page 10 to include the Table and Page Number. It is in the old application they just need to attach the Table and fill in the blanks.

5.a They just need to add to the second sentence in Product Collection that, "the non-hazardous manifest includes the acceptance criteria listed in 40 CFR 279.561." and leave out the text description. Then for Outgoing Shipments they could revise to state, "The document will contain the delivery criteria in 40 CFR 279.561." and leave off the rest of the text.

6. I only had two items in Attachment 6

6.f - they revised satisfactorily

6.g - they revised satisfactorily except Appendix B does not have a label so they could revise to include a label.

6.i was revised (reference to Appendix B was taken out). There is no reference to a list of emergency equipment. We agreed at the meeting we didn't need a list.

7.a - at the meeting here in Tampa we agreed to drop this.

8.d My notes from the meeting in Tampa was that this was not a permit issue.

9.a My notes from the meeting in Tampa was that we would accept the training section..

Dregne, James

From: Putcha, Subra
Sent: Thursday, March 16, 2006 10:59 AM
To: Gephart, Albert; Dregne, James; Kothur, Bheem
Subject: NOD_Response_Comments

Here are my commetns, please review and provide your response and let me know you want me to go ahead and send another NOD.

Thanks
Subra

3/28/2006

AI

Here are my comments. I am giving my comments in the order we wrote in the NOD.

GENERAL

- a. Some of the Drawings are cut off at the bottom and not showing the number and name (type of drawing). We need a legible copy. Otherwise we do not know what drawing we are looking at.
- b. OK
- c. OK in the main application. Subsequent response to our NOD on 1/31/06 some of the revision numbers still show 1. They need to take the latest submission (Revision 2) to modify not the older version.

Specific Conditions:

- 1. OK
- 2.
 - a. OK
 - b. NOD response has revision number 1, need to be changed to revision 2. They need to use latest version of the document to make changes not the older version.
Also, the calculations need to be certified, do you have a certified copy or otherwise they have to submit a professional engineer certified copy.
- 3.
 - a. OK
 - b. For Analysis Plan we are going to write our condition in the permit, am I right?
 - c. OK
 - d. OK
- 4.
 - a. NOD response shows old revision number. Also, the blank left on page 10 is not filled.
- 5.
 - a. NOD request was not fulfilled.
- 6.
 - a. NOD request was not fulfilled.
 - b. NOD request was not fulfilled.
 - c. OK
 - d. OK
 - e. OK
 - f. NOD request was not fulfilled.
 - g. Reference to Appendix B need to be eliminated and mention that the list of local authorities is outlined at the end of the attachment or make the list a separate appendix B.
 - h. OK

- i. NOD request not taken care. I still see Appendix B for list of emergency equipment.
 - j. OK
- 7.
 - a. NOD request not fulfilled.
 - b. OK
- 8.
 - a. OK
 - b. OK
 - c. OK
 - d. Submitted but need to be reviewed. They are not certified separately. They are not a third party estimate.
 - e. Need to be reviewed.
- 9.
 - a. NOD request not fulfilled.

Dregne, James

From: Putcha, Subra
Sent: Wednesday, March 01, 2006 10:41 AM
To: 'John Jones'
Cc: Dregne, James; Gephart, Albert; Kothur, Bheem
Subject: Howco, St.Petersberg

John,
As the sampling frequencies and procedures are still being discussed, I request you to send me an extension till end of march immediately. I have attached the form with this email.

Thanks
Subra

3/28/2006

**WAIVER OF 90-DAY TIME LIMIT
UNDER SECTION 120.60(1), FLORIDA STATUTES**

License (Permit/Certification) Application No: _____

Applicant's Name: _____

With regard to the above-referenced application, the applicant hereby with full knowledge and understanding of applicant's rights under Section 120.60(1), Florida Statutes, waives the right to have the application approved or denied by the State of Florida Department of Environmental Protection within the 90-day time period. Said waiver is made freely and voluntarily by the applicant, with full knowledge, and without any pressure or coercion by any one employed by the State of Florida Department of Environmental Protection.

This waiver shall expire on the ____th day of _____, 20_____.

The undersigned is authorized to make this waiver on behalf of the applicant.

Signature

Name (please type or print)

FAX

Date 2/28/06

Number of pages including cover sheet 6

TO: SUBRA PUTCHA

WASTE MANAGEMENT
TALLAHASSEE

Phone 850-245-8776
Fax # 850-245-8808/10

CC:

FROM: AL GEPHART
FLORIDA DEPARTMENT
OF ENVIRONMENTAL
PROTECTION
13051 NORTH TELECOM
PARKWAY
TEMPLE TERRACE, FL
33637-0926

Phone (813) 632-7600, EXT. 372
Fax Phone (813) 632-7664

REMARKS: ☐ Urgent ☒ For your review ☐ Reply ASAP ☐ Please Comment

F Y I

ATTACHED ARE SUBMITTALS BY HOWCO DATED 2/4/06 AND RECEIVED AT THE
DISTRICT OFFICE ON 2/27/06. BOTH DOCUMENTS HAVE THE PE SEAL.

* Documents WITH
ORIGINAL SEAL WERE
Sent to SUBRA PUTCHA.
These ARE copies.



Jones Ecosystem Management

February 10, 2006

To Whom It May Concern:

I have reviewed the closure cost estimates for the solid waste area of the Howco facility at St. Petersburg, Florida. These cost estimates were submitted as a part of the permit application for the Used Oil Processing permit, and are attached to this document. The estimates contained in Table 10-1, of Item 10.2.1 (Entitled "Solid Waste Closure Cost Estimate"). The total estimated cost for closure of the solid waste section is \$58,760.00.

These estimates and the basis for their calculation are reasonable and meet the requirements of 62-701.630, F.A.C.



John M. Jones, P.E.
Registration Number 50227

Each year on its permit anniversary date the Company will submit to the State of Florida DEP office in Tampa, an adjustment of the cost estimate based on inflation. Procedures for providing cost adjustments due to changes in the facility operations are addressed in the facility's Solid Waste Closure Plan.

The Company will guarantee the funding necessary for closure through a Certificate of Insurance for Pollution Liability & Closure/Post Closure or by a Surety Bond.

TABLE 10-1 Solid Waste Closure Cost Estimate.

Disposal of Materials Remaining on Site (Price includes: loading, handling, transportation and disposal)

400 Drums x \$85.00/Drum	= \$34,000.
Subtotal:	\$34,000.

Sampling Labor, Oversight and Analysis

Engineer	\$70.00/Hr. x 8 Hrs. x 2 Days	= \$ 1,120.
Sampling Technician	\$35.00/Hr. x 8 Hrs. x 2 Days	= \$ 560.
Analysis	\$3 00.00/ Drum x 20 Each	= \$ 6,000.
Mileage	\$0.30/Mile x 400 Miles	= \$ 120.
Subtotal		\$ 7,800.

Solid Waste Storage Slab Decontamination

Labor	\$45.00/Hr x 4 Personnel x 8 Hrs. x 3 Days	= \$ 4,320.
Vac Tanker	00/HR x 8 Hrs x 5 Days	= \$3,600.
PPE	.00/Unit x 4 Personnel x 3 Days	= \$ 120.
Analysis	00.00/Sample x 1 each	= \$ 300.
IWW Disposal	\$0.25/Gallon x 5000 Gallons	= \$1,250.
Perdiem	\$35.00/Day x 4 Personnel x 3 Days	= \$ 420.
Hotel	\$75.00/Day x 4 Personnel x 3 Days	= \$ 900.
Pressure Washer	\$175.00/Day x 3 Each x 3 Days	= \$1,575.
Crew Truck	\$125.00/Day x 1 Each x 3 Days	= \$ 375.
Cleaner	\$400.00/Drum x 1 Each	= \$ 400.
Mileage Vac Tanker	\$1.00/Mile x 400 Miles	= \$ 400.
Mileage Crew Truck	\$0.35/Mile x 400 Miles	= \$ 140.
Engineer	\$70.00/Hour x 24 Hours	= \$1,680.
Mileage	\$0.30/Mile x 400 Miles	= \$ 120.
Subtotal		\$15,600.

Engineering Closure Report

Engineer	\$70.00/Hour x 16 hours	\$1,120.
Mileage	\$ 0.30/Mile x 400 Miles/Trip x 2 Trips	= \$ 240.
Subtotal		\$ 1,360.

Total Closure Cost

\$58,760.

The total estimated solid waste closure cost is \$58,760.00 for the Solids Storage Area and containment area as shown on Drawing 10-2.

Jones Ecosystem Management

Mr. Michael Wolfe
HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, Florida 33713

February 16, 2006

RE: Storage Tank Registration

Dear Mr. Wolfe:

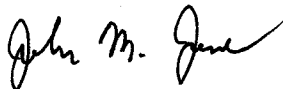
Per your request, I have reviewed the February 1 letter from the Pinellas County Health Department concerning the storage tank registrations at the HOWCO St. Petersburg facility. The function of each of the tanks listed in Attachment 1 was evaluated according to guidance provided by Mr. Rick Neves of the Florida Department of Environmental Protection. The objective is to determine whether the tanks serve as "process tanks" or "storage" tanks. There is not a definition of a "process tank" provided in 62-710, F.A.C. Therefore, for the purpose of this review, a process tank is defined as a vessel whose primary purpose is to provide separation of used oil from another medium, usually water. Such separation fits the definition of "used oil processing", as stated in 62-710.201(2), F.A.C.

Based on the evaluation, it is my conclusion that tanks designated as 130, 131, 132, 133, 134, 136, and 140 are process tanks which are not subject to registration. Tank 141 contains storm water. In making these determinations, the following criteria were considered:

- Primary contents of the tank
- Residence time in the tank
- Degree of separation achieved in the tank
- Definition of used oil processing, as noted above

If you need any additional information, please feel free to contact me at (954) 817-2273.

Sincerely,



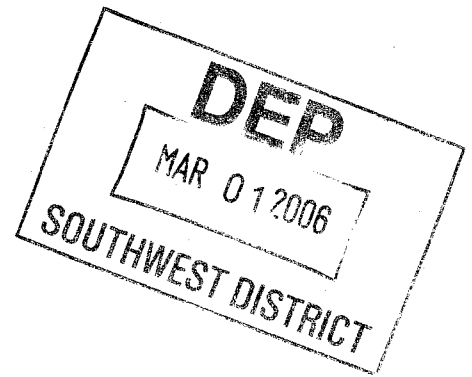
John M. Jones, P.E.
Registration number 50227

Attachment 1
Summary of Tank Function

Tank No.	Primary Contents	Function	Residence Time	Designation
130	Water with trace oil	Provide consistent flow to water plant	Maximum 1 day	Process Tank
131	Water with trace oil	Remove oil and transfer to cooker	Maximum 1 day	Process Tank
132	Light ends	Receive light ends and separate water	1-2 days	Process Tank
133	Shaker reject oil	Receive shaker reject and remove water	Up to 7 days	Process Tank
134	Oil receiving tank	Receive shaker good oil remove water	1-2 days	Process Tank
136	Water with trace oil	Provide consistent flow to water plant	Maximum 1 day	Process Tank
140	Oily water	Separate oil. Oil to cooker, water to treatment plant.	Maximum 1 day	Process Tank
141	Storm water	Collect storm water	Up to 7 days	Not Applicable

HOWCO Environmental Services

February 24, 2006



Mr. Jim Dregne
Florida Dept. of Environmental Protection
Southwest District Office
13051 North Telecom Parkway
Temple Terrace, FL 33637-0926

RE: HOWCO Environmental Services
Permit No.: 92465-HO06-001
Financial Assurance Cost Estimates

Dear Mr. Dregne,

Enclosed please find the updated closure cost calculation for the St. Petersburg facility.
The calculation has been prepared as part of the Used Oil permit renewal.

If you have any questions or need additional information, please call me at tel. 727-328-7403.

Sincerely,

A handwritten signature in cursive script, appearing to read "RDillen".

Richard Dillen
Quality Assurance Officer

Cc: Financial Coordinator, DEP/TLH, w/attachment

3701 Central Avenue - St. Petersburg, FL 33713 - Tel. 727-327-8467 Fax: 727-321-6213

Operations: Tampa Bay - Ocala - Ft. Myers - 24-Hour Emergency Access 1-800-435-8467

A small, handwritten mark or signature in the bottom right corner of the page.

ITEM 10.1.1 SOLID WASTE CLOSURE COST ESTIMATE

The Table 10-1 cost estimate for solid waste closure costs is being provided to calculate the dollar amount needed to close the solid waste portion of the Company's used oil processing facility at the end of its intended operating life. The financial responsibility requirements of F.A.C. 62-701.630 will be by the Company.

Each year on its permit anniversary date the Company will submit to the State of Florida DEP office in Tampa, an adjustment of the cost estimate based on inflation. Procedures for providing cost adjustments due to changes in the facility operations are addressed in the facility's Solid Waste Closure Plan.

The Company will guarantee the funding necessary for closure through a Certificate of Insurance for Pollution Liability & Closure/Post Closure or by a Surety Bond.

Solid Waste Closure Cost Estimate.

Disposal of Materials Remaining on Site (Price includes: loading, handling, transportation and disposal)

400 Drums x \$50.00/Drum	= \$20,000.
Subtotal:	\$20,000.

Sampling Labor, Oversight and Analysis

Engineer	\$70.00/Hr. x 8 Hrs. x 2 Days	= \$ 1,120.
Sampling Technician	\$35.00/Hr. x 8 Hrs. x 2 Days	= \$ 560.
Analysis	\$3 00.00/ Drum x 20 Each	= \$ 6,000.
Mileage	\$0.30/Mile x 400 Miles	= \$ 120.
Subtotal		\$ 7,800.

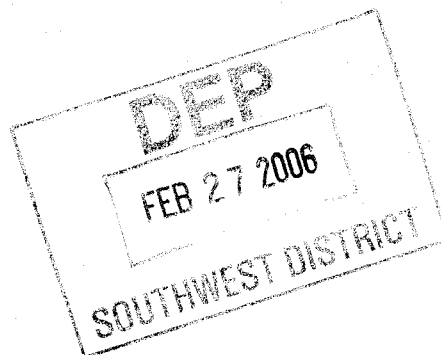
Solid Waste Storage Slab Decontamination

Labor	\$45.00/Hr x 4 Personnel x 8 Hrs. x 3 Days	=\$ 4,320.
Vac Tanker	\$90/HR x 8 Hrs x 5 Days	=\$ 3,600.
PPE	\$10/Unit x 4 Personnel x 3 Days	=\$ 120.
Analysis	\$300/Sample x 1 each	=\$ 300.
IWW Disposal	\$0.25/Gallon x 5000 Gallons	=\$ 1,250.
Perdiem	\$35.00/Day x 4 Personnel x 3 Days	=\$ 420.
Hotel	\$75.00/Day x 4 Personnel x 3 Days	=\$ 900.
Pressure Washer	\$175.00/Day x 3 Each x 3 Days	=\$1,575.
Crew Truck	\$125.00/Day x 1 Each x 3 Days	=\$ 375.
Cleaner	\$400.00/Drum x 1 Each	=\$ 400.
Mileage Vac Tanker	\$1.00/Mile x 400 Miles	=\$ 400.



February 24, 2006

Department of Environmental Protection
Division of Waste Management
2600 Blair Stone Rd.
Tallahassee, FL 32399-2400



RE: PCW

Mr. Rick Neves
Cc; Mr. Jim Dregne;

This letter is intended to respond to HOWCO Environmental Services' requirement to file an annual report on PCW activity by the company. The PCW is accumulated and processed at our St. Petersburg facility. Our process is thermal and therefore recovers the majority if not all product present in PCW streams collected and brought to our facility.

For calendar year 2005 HOWCO Environmental Services collected **37,610 gallons of PCW**. HOWCO recovered approximately **1880 gallons of product** that was blended into our #5 fuel oil.

We trust that this letter will answer any questions regarding PCW activity by HOWCO Environmental Services. If we can be of further assistance please do not hesitate to contact us at (727) 327-8467.

Sincerely,

Richard Dillen
Quality Assurance Officer

Dregne, James

From: Gephart, Albert
Sent: Thursday, February 09, 2006 11:30 AM
To: Dregne, James
Subject: HOWCO

We received HOWCO's permit renewal application on July 26, 2005 (52 days late). It was due on June 4, 2005.

Regarding the 11/5/05 compliance inspection, I have about 17 citations.

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/28/2006

Dregne, James

From: Gephart, Albert
Sent: Tuesday, February 07, 2006 2:09 PM
To: Putcha, Subra
Cc: Kothur, Bheem; Dregne, James
Subject: HOWCO Permit Renewal

As for the used oil portion of the permit renewal -

I have reviewed the latest submittal by HOWCO (received 1/30/06) which supplements their permit renewal application. HOWCO has satisfied all of the issues I raised except for the sampling frequency of processed oil. As far as the used oil portion of the permit, I am all set. I recommend that we do what we did last time, ignore the permit renewal application sampling frequency and write "one random sample of a batch (tank) once every two weeks" in the Specific Conditions of the permit as we did in the first permit.

The comments above are only regarding the used oil portion. THE SOLID WASTE PORTION HAS YET TO BE RESOLVED.

AI

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/28/2006

SWD Hazardous Waste Section Comments*

SOUTHWEST DISTRICT

HIGHLIGHTED AREAS ARE THOSE ISSUES NOT ADDRESSED IN REVISED APPLICATION OF 1/18/06

GENERAL

X If the renewal application is to be a "stand-alone" document, not pages to be inserted into the previous application, there are several items missing. Please submit the following: Emergency Containment #1 (Drawing D-6-1), Emergency Containment #1,2 and 3 (Figure D-6-2), Process and Equipment Storage Plan (Drawing D-8-1), Sampling Locations For Closure (Drawing 10-1), Traffic Routing, Fire Protection Equipment and Escape and Evacuation Routes (Drawing D-8-2).

Please provide a Table of Contents.

Please revise the Revision Numbers to be consistent. There are pages with revision number mw1 and some with revision 0, both having the same date.

APPLICATION FORM, PART 1

X Part I, A, page 8, Item #3

Please add to the text that HOWCO is a generator of used oil (vehicle maintenance).

ATTACHMENT #2, DETAILED PROCESS DESCRIPTION

Page 3, 1st paragraph, it is stated that, "the facility receives petroleum product water (PPW)." Please revise the sentence to state that it receives, "petroleum contact water (PCW)."

Page 6, Tables 1, 2 and 3

The drawings included in the renewal application do not indicate the location of the three containment areas denoted in the Tables. Please submit facility drawings that depict the location of the containment areas, the dimensions of the containment areas and the dimensions of the tanks within them. *IF Drawing D-4-3 is meant to be the drawing to depict these, the areas do not match the containment area numbers on the Tables. For example Area 4 on the drawing is the container storage area and solid waste processing area, on the Table it is described as water treatment only.*

X Also, the renewal application does not provide the calculations for determining the capacity of the secondary containment areas. Please submit a set of calculations with the signature and seal of the professional engineer.

ATTACHMENT #3, ANALYSIS PLAN

Page 7, Used Oil, Item #1, Sampling, 2nd sentence. Please re-write the sentence to state, "The bailer and/or caliwasa will be inserted into the bottom of the vehicle or container and"

Page 8, 4th paragraph. Please revise the analysis to reflect the sampling plan agreed to by FDEP and the facility. One batch (tank) of processed used oil is to be tested EVERY TWO WEEKS using the following procedure that

* These Comments DO NOT Include Those Of The SWD Solid Waste Section.

randomly selects a sample from one of the ten (10) tanks and tested to determine if it meets the on-spec criteria in 40 CFR 279.11 (Table 1).

One processed used oil sample shall be taken once every two weeks. The sample shall be obtained from one of the ten tanks used to store processed used oil. The dates that the samples will be taken will be determined on the first day of the month by selection on a random basis using Appendix D Random Number Table and Procedure in EPA-600/2-80-018. "Samplers and Sampling Procedures for Hazardous Waste Streams", as referenced by SW-846. On the date the sample is to be collected, the same procedure shall be used to select which tank will be sampled from the population of full tanks at the time of sampling.

Page 8 The renewal application has a section titled, "Incoming non-hazardous solids." Please change the title of this section to, "Incoming Oily Solid Wastes." This section does not apply to solid wastes in the solid waste portion of the permit.

ATTACHMENT #4, SOLID WASTE HANDLING

Page 10, "Removal of oily solids from used oil processing." Please revise the 3rd paragraph to state, "... to be analyzed for TCLP Metals and VOCs." *The application has Table _____ Page _____*

ATTACHMENT #5, TRACKING PLAN

Page 12. Please revise the paragraphs to include all of the "acceptance" and "delivery" criteria in 40 CFR 279.56.

ATTACHMENT #6, EMERGENCY PREPAREDNESS, PREVENTION & CONTINGENCY PLAN.

Please provide a section for an evacuation plan including activation and an evacuation site diagram depicting exit routes and gathering places for facility personnel. *Done* *will provide D-8-2 provided*

Please provide a section for a listing of containers/tanks available to hold releases. *— no need to duplicate Tank list*

Page 14, Item 1.1. Please add the following to the end of the paragraph, "The facility will notify the Department of any refusal by local fire, police and hospital." *was done*

Page 15, "Emergency Equipment Available". Please submit a revised, if a revision is necessary, Drawing D-4-1, "Fire Fighting Equipment Location."

Page 17, Section 4.0, lists Richard Dillen as the secondary emergency coordinator OR Tim Hagan. If Tim Hagan is to be listed, please designate him as the third emergency coordinator.

Page 18, Item 6.1, paragraph 1 and Item 6.2, paragraph 1. Please add to the text that the PIC will activate facility emergency alarms and notify facility personnel. *See Page 19 #1 -evacuation of the local area may be advisable" - add a sentence that PIC will notify employees by use of electronic bull horn.*

Page 18, Item 6.2. There are two references to an Appendix B (list of local authorities). Please submit a copy of Appendix B and a description and copy of Appendix A. There are no Appendices listed in Attachment 6, "Table of Contents."

P 22 removed top B put in p. 22

~~Page 19, Item 6.3. There is mention of an Appendix B (list of emergency equipment). This conflicts with the previous section (Item 6.2). See preceding comment. Please resolve this discrepancy and submit a copy of the appendix containing the emergency equipment.~~

Page 21, Item 8.0. Please include additional text stating that the PIC shall notify the Department when the facility has returned to compliance and prior to resuming operations.

ATTACHMENT #7, UNIT MANAGEMENT DESCRIPTION

~~2~~ Please revise this attachment to address the following:

Personnel are to ensure that used oil containers are properly labeled; and

agreed we didn't need

~~X~~ Provide site diagrams, a listing of tanks and their respective containment areas and the design, dimensions and calculations to support that the secondary containment areas are sufficient.

ATTACHMENT #8, CLOSURE PLAN

Please add a timeline to the Closure Schedule.

Please include a list of tanks, containers, piping and equipment that will be cleaned/closed.

Paragraphs 4 and 5 from the Closure Plan in the 7/21/99 permit application (soil sampling locations) should be included in the 7/15/05 permit application Closure Plan.

Page 25. More detail is needed in the solid waste closure cost estimate. The 7/21/99 permit application has a solid waste closing cost of \$58,760. Please justify why this cost is only \$11,500 in the 7/5/05 permit renewal application.

where did he get this #

~~X~~ Reference is made to drawing 10-2. This drawing was not provided in the 1/18/06 application.

The Facility should consider submitting a Closure Cost Estimate Form [62-710.901(7)] for the used oil processing portion of the facility since it will be due in December 2005.

ATTACHMENT #9, TRAINING

Please add a section to address employee training for site specific safety and use of emergency equipment.

Dregne, James

From: Gephart, Albert
Sent: Friday, January 27, 2006 8:36 AM
To: 'mikewolfe@howcousa.com'
Cc: Dregne, James
Subject: Preliminary Comments on 1/18/06 revised permit application submittal

Mike - as requested, attached are my preliminary comments. As I told you Thursday, I have not done a thorough review but here are some things I think were omitted. And of course, the Department would ask HOWCO to concede on the issue of sampling once every two weeks. The sampling frequency is much more lenient than that required by your competitors based on the studies HOWCO performed.

Al

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

3/28/2006

Gephart, Albert

From: johnmjonespe@bellsouth.net
Sent: Friday, January 13, 2006 1:21 PM
To: Gephart, Albert; Outlaw, Douglas; Dregne, James
Cc: LLockett@CarltonFields.com; mikewolfe@tampabay.rr.com; thagan@tampabay.rr.com; Putcha, Subra
Subject: Re: RE: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

The revision took longer than expected on my part. I have forwarded the revised pages to Mike Wolfe for review. They should arrive at HOWCO on Saturday. I apologize for the delay. My daughter is having a baby and I was out of pocket for a while. I spoke with Mike Wolfe, and he will give you a call regarding the sampling.

=====
From: "Gephart, Albert" <Albert.Gephart@dep.state.fl.us>
Date: 2006/01/13 Fri PM 12:41:19 EST
To: <johnmjonespe@bellsouth.net>,
"Outlaw, Douglas" <Douglas.Outlaw@dep.state.fl.us>,
"Dregne, James" <James.Dregne@dep.state.fl.us>
CC: <LLockett@CarltonFields.com>,
<mikewolfe@tampabay.rr.com>,
<thagan@tampabay.rr.com>,
"Putcha, Subra" <Subra.Putcha@dep.state.fl.us>
Subject: RE: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

John -

As of today, the Department has not received the revised pages and attachments to the permit renewal application reflecting HOWCO's response to the Notice of Deficiency.

Would you please see that the Department receives the revised pages by January 18, 2006, at the latest?

Also, check with Messrs. Hagan and Wolfe. The response to the NOD goes into quite a lengthy discussion as to why HOWCO should not have to sample the processed oil. I was under the impression that HOWCO was going to concede to the current permit requirement to sample one tank (batch) of processed oil once every two weeks.

If you cannot possibly meet the January 18, 2006, date please contact me at 813-632-7600, ext. 372

Thanks, Al

-----Original Message-----

From: johnmjonespe@bellsouth.net [mailto:johnmjonespe@bellsouth.net]
Sent: Tuesday, January 03, 2006 11:50 PM
To: Outlaw, Douglas; Dregne, James
Cc: Gephart, Albert; LLockett@CarltonFields.com;
mikewolfe@tampabay.rr.com; thagan@tampabay.rr.com
Subject: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

Attached please find the electronic version of HOWCO's response to the Department's Notice of Deficiency. The hard copy with all attachments will be forwarded this week. HOWCO appreciates the Department's attention to this matter and looks forward to resolving any outstanding issues.

=====
John Jones
Cell phone (954) 817-2273

Gephart, Albert

From: Gephart, Albert
Sent: Friday, January 13, 2006 12:41 PM
To: 'johnmjonespe@bellsouth.net'; Outlaw, Douglas; Dregne, James
Cc: LLockett@CarltonFields.com; mikewolfe@tampabay.rr.com; thagan@tampabay.rr.com; Putcha, Subra
Subject: RE: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

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Thanks, Al

-----Original Message-----

From: johnmjonespe@bellsouth.net [mailto:johnmjonespe@bellsouth.net]
Sent: Tuesday, January 03, 2006 11:50 PM
To: Outlaw, Douglas; Dregne, James
Cc: Gephart, Albert; LLockett@CarltonFields.com; mikewolfe@tampabay.rr.com; thagan@tampabay.rr.com
Subject: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

Attached please find the electronic version of HOWCO's response to the Department's Notice of Deficiency. The hard copy with all attachments will be forwarded this week. HOWCO appreciates the Department's attention to this matter and looks forward to resolving any outstanding issues.

HOWCO Response to FDEP Notice of Deficiency
September 22, 2005

This document sets forth HOWCO's responses to the FDEP document titled "ATTACHMENT, September 22, 2005, Hagan Holding Company d/b/a HOWCO Environmental Services, St. Petersburg, EPA ID . No. FLD 152 764 767, Notice of Deficiency." The paragraph numbers follow the numbering system in the original FDEP document.

General

- a) HOWCO intends for this to be a stand alone renewal application. The requested drawings are included in the response.
- b) A table of contents is included in the response.
- c) The revised submission is noted as Revision 1 throughout the document.

Specific Comments

1.APPLICATION FORM – PART 1

- a. HOWCO has noted that it generates used oil with vehicle maintenance.

2. ATTACHMENT #2 – DETAILED PROCESS DESCRIPTION

- a. HOWCO processes both Petroleum Contact Water and water containing amounts of oily wastes. These are distinct waste streams. HOWCO has used the term "Petroleum Product Water" to designate water contaminated with amounts of used oil. In the revised submission, HOWCO uses the term "Oily Water" to reference water contaminated with used oil, and continues to use the term PCW as appropriate.
- b. The facility drawings have been revised to include the containment areas and dimensions of same and tanks.

Secondary containment calculations, sealed by a Professional Engineer, are included.

In Table 2, the second entry should have read "Tank 124." That correction has been made.

3. ATTACHMENT #3 – ANALYSIS PLAN

- a. The Department's proposed sentence does not accurately state the sampling procedure. The sentence has been revised to indicate that the sampling device must reach the bottom of the vehicle tank, which is required in order to obtain a representative sample.
- b. Section 279.72(a) does not require that laboratory analysis be performed in order to determine that used oil meets the fuel specification of §279.11. The

rule specifically acknowledges that "other information" may be used, such as processor knowledge. In HOWCO's existing permit, the Department acknowledged that processor knowledge based on prior test results forms a reasonable basis of "other information."

In its renewal application for the existing August 3, 2000 Used Oil and Material Processing Facility Permit, HOWCO initially requested that it be required only to test one batch of outgoing processed used oil per month in order to further support its knowledge that its product meets the requirements of §279.11.

After extensive evaluation of the issues pertinent to a statistically sufficient and defensible demonstration of HOWCO's "process knowledge of on-specification used oil" by a doctorate in statistics, the Department acknowledged in Permit Section II(8)(c) of the 2000 permit that HOWCO could test every two weeks based on the results of a sampling program/study to be conducted by HOWCO.

Under the terms of the study plan, HOWCO collected and analyzed 40 consecutive samples of its outgoing processed oil, all of which met the requirements of "on-specification oil". Following implementation of the plan, HOWCO analyzed a sample of out-going oil every two weeks thereafter (26 times per year) under the terms of its permit, all of which met the requirements for "on-specification oil."

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requirements it generally imposes on its used oil generator customers, for utility customers, HOWCO also requires that for every shipment, they provide a certified analysis of any mineral oil/dielectric fluid demonstrating PCB content of less than 2 ppm.

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- d. HOWCO would like to maintain acceptance for a period of five years. As agreed in our meeting with the Department, HOWCO's customers will recertify on an annual basis that the waste generation process and the waste itself have not changed. Should the process or waste change, HOWCO will require submission of a new sample and documentation.

4. ATTACHMENT #4 – SOLID WASTE HANDLING

- a. The paragraph has been revised as suggested.

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- a. Based on our meeting, the Department asked that HOWCO verify that all criteria have been included. HOWCO has reviewed the text and verifies that the information contained in the permit application meet the criteria of 40 CFR 279.56.

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- a. The evacuation plan and diagram are included in the resubmission.
- b. The HOWCO facility is designed to be totally contained. In the event of a spill, no material would escape containment. Spills would be recovered and placed in existing tanks and containers. Based on our meeting, we understand that this narrative is sufficient and a separate listing is not necessary.
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- a. HOWCO will ensure that containers are properly labeled.
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- a.-c. HOWCO has incorporated the schedule and associated closure narrative from the application for the existing permit application into the renewal application narrative, including solid waste closure costs.
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- a. HOWCO intends to use the UAUOS training manual incorporating the latest version of Chapter 62-710, FAC. Training will be conducted for each employee on an annual basis. New employees will receive training within ninety (90) days of hire.

HOWCO Response to FDEP Solid Waste Letter dated September 20, 2005

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regulatory distinction between solid wastes contaminated by used oil and solid wastes contaminated by petroleum in the context of HOWCO's operation did not merit submission of a stand-alone permit application under Chapter 62-701, FAC, although the 2000 permit was issued under authority of both Chapters 62-701 and 62-710, FAC, and addressed both waste streams.

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To our knowledge, all existing used oil facility permits in the state include provisions for handling and processing analogous petroleum contaminated wastes and the Department has not required an independent application under Chapter 62-701, FAC, to be submitted for any of those permits. Furthermore, HOWCO and the Department agreed in the pre-application meeting held prior to submission of this renewal application that the application process and permit would follow that used by the Department and HOWCO in HOWCO's permit for its Astor facility. As was the case with the 2000 permit for the HOWCO facility, the permit application for the Astor facility did not require an independent application under Chapter 62-701, FAC.

Dregne, James

From: Gephart, Albert
Sent: Friday, January 13, 2006 12:41 PM
To: 'johnmjonespe@bellsouth.net'; Outlaw, Douglas; Dregne, James
Cc: LLockett@CarltonFields.com; mikewolfe@tampabay.rr.com; thagan@tampabay.rr.com; Putcha, Subra
Subject: RE: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

John -

As of today, the Department has not received the revised pages and attachments to the permit renewal application reflecting HOWCO's response to the Notice of Deficiency.

Would you please see that the Department receives the revised pages by January 18, 2006, at the latest?

Also, check with Messrs. Hagan and Wolfe. The response to the NOD goes into quite a lengthy discussion as to why HOWCO should not have to sample the processed oil. I was under the impression that HOWCO was going to concede to the current permit requirement to sample one tank (batch) of processed oil once every two weeks.

If you cannot possibly meet the January 18, 2006, date please contact me at 813-632-7600, ext. 372

Thanks, Al

-----Original Message-----

From: johnmjonespe@bellsouth.net [mailto:johnmjonespe@bellsouth.net]
Sent: Tuesday, January 03, 2006 11:50 PM
To: Outlaw, Douglas; Dregne, James
Cc: Gephart, Albert; LLockett@CarltonFields.com; mikewolfe@tampabay.rr.com; thagan@tampabay.rr.com
Subject: Response to FDEP Notice of Deficiency-Howco, St. Petersburg

Attached please find the electronic version of HOWCO's response to the Department's Notice of Deficiency. The hard copy with all attachments will be forwarded this week. HOWCO appreciates the Department's attention to this matter and looks forward to resolving any outstanding issues.

Dregne, James

From: Gephart, Albert
Sent: Friday, January 13, 2006 7:03 AM
To: Putcha, Subra; Dregne, James; Outlaw, Douglas
Subject: RE: HOWCO 1/03/06 Response To NOD

As of this morning the revised pages of the application have not crossed my desk. The only thing we have is the email from John Jones which I believe was emailed to everyone but I have forwarded it to you.

-----Original Message-----

From: Putcha, Subra
Sent: Thursday, January 12, 2006 12:33 PM
To: Gephart, Albert; Dregne, James; Outlaw, Douglas
Subject: RE: HOWCO 1/03/06 Response To NOD

Al,
We did not receive any NOD response from Howco. Please forward whatever you received from Howco.

Thanks
Subra

From: Gephart, Albert
Sent: Thursday, January 05, 2006 7:28 AM
To: Dregne, James; Outlaw, Douglas; Putcha, Subra
Subject: HOWCO 1/03/06 Response To NOD

It appears that HOWCO has addressed the UOP issues in the NOD but we have yet to receive the revised pages. One quick note, they go into quite a lengthy discussion on why they should not have to sample the out-going processed oil. The arguments are the same as previously presented to us. I would hold to the required one sample every 2 weeks. They should be advised that the sampling over at least the past year has NOT been valid because they did not follow the random sampling procedure as required by the permit. This is an enforcement issue in the 11/07/05 CEI report currently being drafted.

It still appears we are at odds with them on the solid waste application.

Al

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

Dregne, James

From: Gephart, Albert
Sent: Friday, January 06, 2006 11:25 AM
To: Putcha, Subra; Outlaw, Douglas
Cc: Dregne, James
Subject: RE: HOWCO sampling procedure

From my site visit yesterday, I observed that the sampling procedure used from Jan. to Dec. 2005 was not in compliance with the permit and in some months only one sample was taken and there were not three samples taken the previous or subsequent months. I discussed with the HOWCO lab chemist what he thought would be a procedure that he could comply with. Unless we write a different procedure in the renewed permit, the following was agreed to. At the beginning of each month the lab chemist will randomly select two sampling dates for the month from a random number generator chart. Each date must fall within the appropriate two week period or random numbers will continue to be generated until they do. When the selected date arrives, the lab chemist will draw a piece of paper from a jar containing pieces of paper, each having a tank number on them. That will be the tank number to be tested. Numbers will be taken from the jar until a tank number is picked that is full of oil and ready for shipment (the selection of the tank number deviates from the current permit but I believe it qualifies as being random.) On some days there may only be one tank that is full. In that case that is the only tank that can be chosen. In the past there was some confusion that the samples had to be two weeks apart. By generating random sampling dates and using two week periods, there may be cases where samples are taken on consecutive days and there may be periods where there are three samples one month and only one the next. To force the sampling to be exactly every two weeks would not be *random*.

There has been no formal request from HOWCO to modify the sampling procedure so I recommend that we just address it in the Specific Conditions of the renewed permit.

AI

-----Original Message-----

From: Putcha, Subra
Sent: Friday, January 06, 2006 9:03 AM
To: Gephart, Albert; Outlaw, Douglas
Cc: Dregne, James
Subject: RE: HOWCO 12/01/05 Meeting at DEP SWD

AI,

What is the agreed sampling procedure between the Department and the Howco. Is it similar to what is written in the permit or is it different? If it is different, do you have signed documentation? Please let me know.

Thanks
 Subra

From: Gephart, Albert
Sent: Friday, January 06, 2006 7:08 AM
To: Putcha, Subra; Outlaw, Douglas
Cc: Dregne, James
Subject: HOWCO 12/01/05 Meeting at DEP SWD

The only notes that I have are that they were to respond to UOP NOD within 15 days (we gave them an extension to 1/3/06) and 15 days to submit intentions for solid waste.

That is all.

AI

AFG

Albert F. Gephart
 Engineering Specialist IV

3/28/2006

Hazardous Waste Management
Phone: (813) 632-7600 Ext. 372
Fax: (813) 632-7664
email: albert.gephart@dep.state.fl.us

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3/28/2006

HOWCO Permit Renewal Application July 15, 2005

SWD Hazardous Waste Section Comments*

HIGHLIGHTED AREAS ARE THOSE ISSUES NOT ADDRESSED IN REVISED APPLICATION OF 1/18/06

GENERAL

OK { If the renewal application is to be a "stand-alone" document, not pages to be inserted into the previous application, there are several items missing. Please submit the following: Emergency Containment #1 (Drawing D-6-1), Emergency Containment #1,2 and 3 (Figure D-6-2), Process and Equipment Storage Plan (Drawing D-8-1), Sampling Locations For Closure (Drawing 10-1), Traffic Routing, Fire Protection Equipment and Escape and Evacuation Routes (Drawing D-8-2).

✓ Please provide a Table of Contents.

✓ Please revise the Revision Numbers to be consistent. There are pages with revision number mw1 and some with revision 0, both having the same date.

APPLICATION FORM, PART 1

Part I, A, page 8, Item #3

✓ Please add to the text that HOWCO is a generator of used oil (vehicle maintenance).

ATTACHMENT #2, DETAILED PROCESS DESCRIPTION

✓ Page 3, 1st paragraph, it is stated that, "the facility receives petroleum product water (PPW)." Please revise the sentence to state that it receives, "petroleum contact water (PCW)."

Page 6, Tables 1,2 and 3.

✓ The drawings included in the renewal application do not indicate the location of the three containment areas denoted in the Tables. Please submit facility drawings that depict the location of the containment areas, the dimensions of the containment areas and the dimensions of the tanks within them. *IF Drawing D-4-3 is meant to be the drawing to depict these, the areas do not match the containment area numbers on the Tables. For example Area 4 on the drawing is the container storage area and solid waste processing area, on the Table it is described as water treatment only.*

✓ Also, the renewal application does not provide the calculations for determining the capacity of the secondary containment areas. Please submit a set of calculations with the signature and seal of the professional engineer.

ATTACHMENT #3, ANALYSIS PLAN

Page 7, Used Oil, Item #1, Sampling, 2nd sentence. Please re-write the sentence to state, "The bailer and/or caliwasas will be inserted into the bottom of the vehicle or container and"

Page 8, 4th paragraph. Please revise the analysis to reflect the sampling plan agreed to by FDEP and the facility. One batch (tank) of processed used oil is to be tested EVERY TWO WEEKS using the following procedure that

* These Comments DO NOT Include Those Of The SWD Solid Waste Section.

randomly selects a sample from one of the ten (10) tanks and tested to determine if it meets the on-spec criteria in 40 CFR 279.11 (Table 1).

One processed used oil sample shall be taken once every two weeks. The sample shall be obtained from one of the ten tanks used to store processed used oil. The dates that the samples will be taken will be determined on the first day of the month by selection on a random basis using Appendix D Random Number Table and Procedure in EPA-600/2-80-018. "Samplers and Sampling Procedures for Hazardous Waste Streams", as referenced by SW-846. On the date the sample is to be collected, the same procedure shall be used to select which tank will be sampled from the population of full tanks at the time of sampling.

Page 8 The renewal application has a section titled, "Incoming non-hazardous solids." Please change the title of this section to, "Incoming Oily Solid Wastes." This section does not apply to solid wastes in the solid waste portion of the permit.

ATTACHMENT #4, SOLID WASTE HANDLING

Page 10, "Removal of oily solids from used oil processing." Please revise the 3rd paragraph to state, ".... to be analyzed for TCLP Metals and VOCs." *The application has Table _____ Page _____.*

ATTACHMENT #5, TRACKING PLAN

Page 12. Please revise the paragraphs to include all of the "acceptance" and "delivery" criteria in 40 CFR 279.56.

ATTACHMENT #6, EMERGENCY PREPAREDNESS, PREVENTION & CONTINGENCY PLAN.

Please provide a section for an evacuation plan including activation and an evacuation site diagram depicting exit routes and gathering places for facility personnel.

Please provide a section for a listing of containers/tanks available to hold releases.

Page 14, Item 1.1. Please add the following to the end of the paragraph, "The facility will notify the Department of any refusal by local fire, police and hospital."

Page 15, "Emergency Equipment Available". Please submit a revised, if a revision is necessary, Drawing D-4-1, "Fire Fighting Equipment Location."

Page 17, Section 4.0, lists Richard Dillen as the secondary emergency coordinator OR Tim Hagan. If Tim Hagan is to be listed, please designate him as the third emergency coordinator.

Page 18, Item 6.1, paragraph 1 and Item 6.2, paragraph 1. Please add to the text that the PIC will activate facility emergency alarms and notify facility personnel. *See Page 19 #1 -evacuation of the local area may be advisable" - add a sentence that PIC will notify employees by use of electronic bull horn.*

Page 18, Item 6.2. There are two references to an Appendix B (list of local authorities). Please submit a copy of Appendix B and a description and copy of Appendix A. There are no Appendices listed in Attachment 6, "Table of Contents."

Page 19, Item 6.3. There is mention of an Appendix B (list of emergency equipment). This conflicts with the previous section (Item 6.2). See preceding comment. Please resolve this discrepancy and submit a copy of the appendix containing the emergency equipment.

Page 21, Item 8.0. Please include additional text stating that the PIC shall notify the Department when the facility has returned to compliance and prior to resuming operations.

ATTACHMENT #7, UNIT MANAGEMENT DESCRIPTION

Please revise this attachment to address the following:

Personnel are to ensure that used oil containers are properly labeled; and

Provide site diagrams, a listing of tanks and their respective containment areas and the design, dimensions and calculations to support that the secondary containment areas are sufficient.

ATTACHMENT #8, CLOSURE PLAN

Please add a timeline to the Closure Schedule.

Please include a list of tanks, containers, piping and equipment that will be cleaned/closed.

Paragraphs 4 and 5 from the Closure Plan in the 7/21/99 permit application (soil sampling locations) should be included in the 7/15/05 permit application Closure Plan.

Page 25. More detail is needed in the solid waste closure cost estimate. The 7/21/99 permit application has a solid waste closing cost of \$58,760. Please justify why this cost is only \$11,500 in the 7/5/05 permit renewal application.

Reference is made to drawing 10-2. This drawing was not provided in the 1/18/06 application.

The Facility should consider submitting a Closure Cost Estimate Form [62-710.901(7)] for the used oil processing portion of the facility since it will be due in December 2005.

ATTACHMENT #9, TRAINING

Please add a section to address employee training for site specific safety and use of emergency equipment.

Dregne, James

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Sent: Friday, January 06, 2006 7:08 AM
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Subject: Response to FDEP Notice of Deficiency-Howco, St. Petersburg



TPA- 2122698-v
IOWCO_Respons

Attached please find the electronic version of HOWCO's response to the Department's Notice of Deficiency. The hard copy with all attachments will be forwarded this week. HOWCO appreciates the Department's attention to this matter and looks forward to resolving any outstanding issues.

HOWCO Response to FDEP Notice of Deficiency
September 22, 2005

This document sets forth HOWCO's responses to the FDEP document titled "ATTACHMENT, September 22, 2005, Hagan Holding Company d/b/a HOWCO Environmental Services, St. Petersburg, EPA ID . No. FLD 152 764 767, Notice of Deficiency." The paragraph numbers follow the numbering system in the original FDEP document.

General

- a) HOWCO intends for this to be a stand alone renewal application. The requested drawings are included in the response.
- b) A table of contents is included in the response.
- c) The revised submission is noted as Revision 1 throughout the document.

Specific Comments

1.APPLICATION FORM – PART 1

- a. HOWCO has noted that it generates used oil with vehicle maintenance.

2. ATTACHMENT #2 – DETAILED PROCESS DESCRIPTION

- a. HOWCO processes both Petroleum Contact Water and water containing amounts of oily wastes. These are distinct waste streams. HOWCO has used the term "Petroleum Product Water" to designate water contaminated with amounts of used oil. In the revised submission, HOWCO uses the term "Oily Water" to reference water contaminated with used oil, and continues to use the term PCW as appropriate.
- b. The facility drawings have been revised to include the containment areas and dimensions of same and tanks.

Secondary containment calculations, sealed by a Professional Engineer, are included.

In Table 2, the second entry should have read "Tank 124." That correction has been made.

3. ATTACHMENT #3 – ANALYSIS PLAN

- a. The Department's proposed sentence does not accurately state the sampling procedure. The sentence has been revised to indicate that the sampling device must reach the bottom of the vehicle tank, which is required in order to obtain a representative sample.
- b. Section 279.72(a) does not require that laboratory analysis be performed in order to determine that used oil meets the fuel specification of §279.11. The

rule specifically acknowledges that "other information" may be used, such as processor knowledge. In HOWCO's existing permit, the Department acknowledged that processor knowledge based on prior test results forms a reasonable basis of "other information."

In its renewal application for the existing August 3, 2000 Used Oil and Material Processing Facility Permit, HOWCO initially requested that it be required only to test one batch of outgoing processed used oil per month in order to further support its knowledge that its product meets the requirements of §279.11. After extensive evaluation of the issues pertinent to a statistically sufficient and defensible demonstration of HOWCO's "process knowledge of on-specification used oil" by a doctorate in statistics, the Department acknowledged in Permit Section II(8)(c) of the 2000 permit that HOWCO could test every two weeks based on the results of a sampling program/study to be conducted by HOWCO.

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regulatory distinction between solid wastes contaminated by used oil and solid wastes contaminated by petroleum in the context of HOWCO's operation did not merit submission of a stand-alone permit application under Chapter 62-701, FAC, although the 2000 permit was issued under authority of both Chapters 62-701 and 62-710, FAC, and addressed both waste streams.

During the Department's consideration of whether a "full-blown application" under 62-701 was appropriate or would be required in the course of the 2000 permit application process, the Department concluded that the only potentially significant issue not addressed under the UO facility permitting process was the potential need for additional financial assurance to address closure of petroleum contaminated waste handling areas to the extent that they were not addressed by the UO closure requirements. Accordingly, that issue was addressed in the 2000 permit application by a separate section dedicated to closure related to the petroleum contaminated solid waste issues and associated closure costs. That discussion, including non-UO petroleum contaminated media closure cost estimates from the 2000 permit application have been updated and incorporated in this submission.

To our knowledge, all existing used oil facility permits in the state include provisions for handling and processing analogous petroleum contaminated wastes and the Department has not required an independent application under Chapter 62-701, FAC, to be submitted for any of those permits. Furthermore, HOWCO and the Department agreed in the pre-application meeting held prior to submission of this renewal application that the application process and permit would follow that used by the Department and HOWCO in HOWCO's permit for its Astor facility. As was the case with the 2000 permit for the HOWCO facility, the permit application for the Astor facility did not require an independent application under Chapter 62-701, FAC.

Dregne, James

From: Kothur, Bheem
Sent: Wednesday, December 21, 2005 11:42 AM
To: Gephart, Albert; Dregne, James; Pelz, Susan; Putcha, Subra
Cc: Morgan, Steve; Outlaw, Douglas
Subject: RE: Howco permit submittal

Subra, FYI and any follow up action if necessary. FYI Subra Putcha is the PM for this facility.

Bheem

From: Gephart, Albert
Sent: Wednesday, December 21, 2005 11:01 AM
To: Dregne, James; Pelz, Susan; Kothur, Bheem
Cc: Morgan, Steve; Outlaw, Douglas
Subject: FW: Howco permit submittal

At our meeting with HOWCO on 12/01/05, the Dept. requested that they respond to our NOD by 12/24/05. Laurel Lockett requested (and I gave her the OK) until January 3, 2006, to submit the response.

-----Original Message-----

From: Lockett, Laurel [mailto:LLockett@CarltonFields.com]
Sent: Wednesday, December 21, 2005 10:53 AM
To: Gephart, Albert
Subject: Howco permit submittal

Thank you for allowing me additional time (until Jan 3) to provide Howco's response on the permit issues that was due on the 23th. I genuinely appreciate your consideration will probably be able to get it to you next week. I have really gotten behind the curve and have family in from out of town. Hope you have a safe and happy holidays!

Laurel Lockett, Esq.
Carlton Fields
Corporate Center Three
4221 W. Boy Scout Boulevard
Tampa, FL 33607-5736
Telephone: (813) 229-4139
Facsimile: (813) 229-4133
llockett@carltonfields.com
<http://www.carltonfields.com>

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3/28/2006

Dregne, James

From: Gephart, Albert
Sent: Wednesday, December 21, 2005 11:01 AM
To: Dregne, James; Pelz, Susan; Kothur, Bheem
Cc: Morgan, Steve; Outlaw, Douglas
Subject: FW: Howco permit submittal

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From: Lockett, Laurel [mailto:LLockett@CarltonFields.com]
Sent: Wednesday, December 21, 2005 10:53 AM
To: Gephart, Albert
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Laurel Lockett, Esq.
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3/28/2006

Dregne, James

From: Gephart, Albert
Sent: Friday, December 02, 2005 7:24 AM
To: Putcha, Subra
Cc: Kothur, Bheem; Outlaw, Douglas; Dregne, James
Subject: HOWCO Response To RCRA NOD

Before I forget - when HOWCO submits its response to our NOD.

A common deficiency in HOWCO's renewal application is that many of the sections of the application are vague and non-descriptive of proposed operations at the facility. I hope I got the message to John Jones that we want more detail. As we review their submittal, keep in mind that the application and resulting permit conditions must be such that they are ENFORCEABLE. We will be handicapped in trying to enforce the permit if the various activities/operations are too vague or undefined.

Thanks, Al

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 744-6100 Ext. 372
Fax: (813) 744-6125
email: albert.gephart@dep.state.fl.us

3/28/2006

Howco Mtg 11-30-05

Doug Outlaw

Sabra Pucha

Susan Pety

Dwayne

Naves

byhand

Howco Mtg 12-1-05

M. Wolfe

A. byhand

R. OILLEN

S. Pucha

T. HABAN

R. Naves

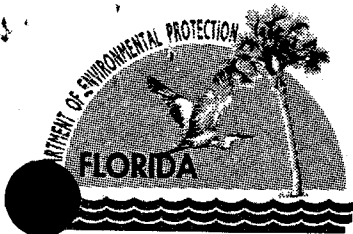
J. Jones

J. Dwayne

D. OUTLAW

15 days submit response to NOD ^{RCRA} Dec 24

15 days submit in tentis for solid waste



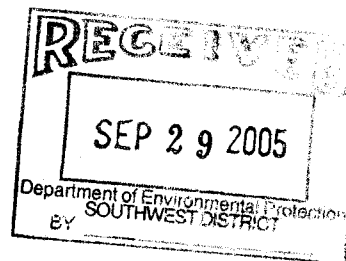
Jeb Bush
Governor

Department of Environmental Protection

Twin Towers Office Building
2600 Blair Stone Road
Tallahassee, Florida 32399-2400

Colleen M. Castille
Secretary

September 22, 2005



CERTIFIED - RETURN RECEIPT

7000 0600 0026 4130 8142

Mr. Tim Hagan, President
Hagan Holding Company
d/b/a HOWCO Environmental Services
3701 Central Avenue North
St. Petersburg, Florida 33713

Subject: Howco Environmental Services;
EPA I.D. Number FLD 152 764 767;
Application for Permit Renewal;
Existing Permit Number 92465-HO06-001;
Pinellas County.

Dear Mr. Hagan:

The Florida Department of Environmental Protection (Department) has received your permit renewal application dated July 15, 2005.

A review of the permit renewal application shows that it is incomplete. Please provide the information requested in the enclosed summary. In preparing your response, the Department recommends that you identify each comment followed by your response and also provide your revised pages of the application. The revised pages are to include the new revision date.

Further action on processing your application is temporarily held in abeyance pending receipt of your complete response. Please submit three (3) copies of your written response within 30 days of receipt of this notice. If you cannot submit this information within 30 days, you must formally request an extension and provide a schedule, with dates, indicating when this information will be submitted. Comments on the solid waste portion of the permit renewal application are separately mailed to you by our Southwest district office.

"More Protection, Less Process"


Printed on recycled paper.

2

Mr. Tim Hagan
September 22, 2005
Page 2

Should you like to arrange a meeting or if you have any questions, please contact Subra Putcha at (850) 245-8776 or Bheem Kothur at (850) 245-8781.

Sincerely,


Doug G. Outlaw
Professional Engineer
Hazardous Waste Regulation

DO/sp

Enclosure

cc: ✓ Al Gephart, DEP/Tampa
Susan Pelz, DEP/Tampa
Raoul Clarke, DEP/Tallahassee
Fred Wick, DEP/Tallahassee
John Jones, Total Environmental Solutions/Miami

ATTACHMENT
September 22, 2005
Hagan Holding Company d/b/a HOWCO Environmental Services, St. Petersburg
EPA ID. No. FLD 152 764 767
Notice of Deficiency

GENERAL

- a. If the renewal application is to be a "stand-alone" document, not pages to be inserted into the previous application, there are several items missing. Please submit the following: Emergency Containment #1 (Drawing D-6-1), Emergency Containment #1, 2 and 3 (Figure D-6-2), Process and Equipment Storage Plan (Drawing D-8-1), Sampling Locations For Closure (Drawing 10-1), Traffic Routing, Fire Protection Equipment and Escape and Evacuation Routes (Drawing D-8-2).
- b. Please provide a Table of Contents in the application.
- c. Please revise the Revision Numbers to be consistent. There are pages with revision number mw1 and some with revision number 0, both having the same date.

SPECIFIC COMMENTS:

1. APPLICATION FORM - PART 1

- a. **Part I, A, page 8, Item #3:** Please add to the text that HOWCO is a generator of used oil (vehicle maintenance).

2. ATTACHMENT #2 - DETAILED PROCESS DESCRIPTION

- a. **Page 3, 1st paragraph:** It is stated that, "the facility receives petroleum product water (PPW)." Please revise the sentence to state that it receives, "petroleum contact water (PCW)."
- b. **Page 6, Tables 1, 2 and 3:** The drawings included in the renewal application do not indicate the location of the three containment areas denoted in the Tables. Please submit facility drawings that depict the location of the containment areas, the dimensions of the containment areas and the dimensions of the tanks within them.

Also, the renewal application does not provide the calculations for determining the capacity of the secondary containment areas. Please submit a set of calculations with the signature and seal of the professional engineer.

In Table 2 Tank Number 123 is repeated twice, please make the correction as necessary.

3. **ATTACHMENT #3 - ANALYSIS PLAN**

a. **Page 7, Used Oil, Item #1, Sampling, 2nd sentence:** Please re-write the sentence to state, "The bailer and/or caliwasas will be inserted into the bottom of the vehicle or container and"

b. **Page 8, 4th paragraph:** Please revise the analysis to reflect the sampling plan agreed to by FDEP and the facility. One batch (tank) of processed used oil is to be tested EVERY TWO WEEKS using the following procedure that randomly selects a sample from one of the ten (10) tanks and tested to determine if it meets the on-spec criteria in 40 CFR 279.11 (Table 1).

One processed used oil sample shall be taken once every two weeks. The sample shall be obtained from one of the ten tanks used to store processed used oil. The dates that the samples will be taken will be determined on the first day of the month by selection on a random basis using Appendix D Random Number Table and Procedure in EPA-600/2-80-018. "Samplers and Sampling Procedures for Hazardous Waste Streams", as referenced by SW-846. On the date the sample is to be collected, the same procedure shall be used to select which tank will be sampled from the population of full tanks at the time of sampling.

c. **Page 8:** The renewal application has a section titled, "Incoming non-hazardous solids." Please change the title of this section to, "Incoming Oily Solid Wastes." This section does not apply to solid wastes in the solid waste portion of the permit.

d. **Page 9:** Please delete the sentence "The waste approval will be valid and acceptable for a period of five years."

4. **ATTACHMENT #4 - SOLID WASTE HANDLING**

a. **Page 10, "Removal of oily solids from used oil processing":** Please revise the 3rd paragraph to state, ".... to be analyzed for TCLP Metals and VOCs" and fill the blanks that were left out.

5. **ATTACHMENT #5 - TRACKING PLAN**

a. **Page 12:** Please revise the paragraphs to include all of the "acceptance" and "delivery" criteria in 40 CFR 279.56.

6. **ATTACHMENT #6 - EMERGENCY PREPAREDNESS, PREVENTION & CONTINGENCY PLAN**

a. Please provide a section for an evacuation plan including activation and an evacuation site diagram depicting exit routes and gathering places for facility personnel.

b. Please provide a section for a listing of containers/tanks available to hold releases.

- c. **Page 14, Item 1.1:** Please add the following to the end of the paragraph, "The facility will notify the Department of any refusal by local fire, police and hospital."
- d. **Page 15, "Emergency Equipment Available":** Please submit a revised, if a revision is necessary, Drawing D-4-1, "Fire Fighting Equipment Location."
- e. **Page 17, Section 4.0:** This section designates Richard Dillen or Tim Hagan as the secondary emergency coordinator. If Tim Hagan is to be listed, please designate him as the third emergency coordinator.
- f. **Page 18, Item 6.1, paragraph 1 and Item 6.2, paragraph 1:** Please add to the text that the PIC will activate facility emergency alarms and notify facility personnel.
- g. **Page 18, Item 6.2:** There are two references to an Appendix B (list of local authorities). Please submit a copy of Appendix B and a description and copy of Appendix A. There are no Appendices listed in Attachment 6, "Table of Contents."
- h. **Page 18, Item 6.2:** Please change the Florida Department of Environmental Protection's phone number to (813) 741-6100 (refer to page 22).
- i. **Page 19, Item 6.3:** There is mention of an Appendix B (list of emergency equipment). This conflicts with the previous section (Item 6.2). See preceding comment. Please resolve this discrepancy and submit a copy of the appendix containing the emergency equipment.
- j. **Page 21, Item 8.0:** Please include additional text stating that the PIC shall notify the Department when the facility has returned to compliance and prior to resuming operations.

7. **ATTACHMENT #7 - UNIT MANAGEMENT DESCRIPTION**

Please revise this attachment to address the following:

- a. Personnel are to ensure that used oil containers are properly labeled; and
- b. Provide site diagrams, a listing of tanks and their respective containment areas and the design, dimensions and calculations to support that the secondary containment areas are sufficient.

8. **ATTACHMENT #8 - CLOSURE PLAN**

- a. Please add a timeline to the Closure Schedule.
- b. Please include a list of tanks, containers, piping and equipment that will be cleaned/closed.

c. Paragraphs 4 and 5 from the Closure Plan in the 7/21/99 permit application (soil sampling locations) should be included in the 7/15/05 permit application Closure Plan.

d. **Page 25, Solid Waste Closure Cost Estimate:** The Department recently promulgated changes to Rule 62-710 F.A.C., Used Oil Management, which were adopted by the Environmental Regulation Commission on April 7, 2005, and became effective on June 9, 2005. All Used Oil Processing Facilities must now provide financial assurance sufficient to cover the cost of closing the facility. The closing cost estimate must be annually adjusted for inflation in accordance with the provisions of this Rule. The Facility should consider submitting a Closure Cost Estimate Form [62-710.901(7)] for the used oil processing portion of the facility since it will be due in December 2005.

e. There are also some mathematical errors in the estimate, please revise.

9. **ATTACHMENT #9 - TRAINING**

a. Please revise this section to address employee training for site specific safety and use of emergency equipment.

HOWCO Permit Renewal Application

SWD Hazardous Waste Section Remaining Issues

ATTACHMENT #3, ANALYSIS PLAN

Page 8, 4th paragraph. Please revise the analysis to reflect the sampling plan agreed to by FDEP and the facility. One batch (tank) of processed used oil is to be tested EVERY TWO WEEKS using the following procedure that randomly selects a sample from one of the ten (10) tanks and tested to determine if it meets the on-spec criteria in 40 CFR 279.11 (Table 1).

One processed used oil sample shall be taken once every two weeks. The sample shall be obtained from one of the ten tanks used to store processed used oil. The dates that the samples will be taken will be determined on the first day of the month by selection on a random basis using Appendix D Random Number Table and Procedure in EPA-600/2-80-018. "Samplers and Sampling Procedures for Hazardous Waste Streams", as referenced by SW-846. On the date the sample is to be collected, the same procedure shall be used to select which tank will be sampled from the population of full tanks at the time of sampling.

* These Comments DO NOT Include Those Of The SWD Solid Waste Section.

PERMITTEE:

HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, FL 33713

Attention:

Mr. Tim Hagan
President

PERMIT/CERTIFICATION:

I.D. Number: FLD 152 764 767
Permit No: 92465-HO
County: Pinellas
Issue Date: **Draft**
Expiration Date: August 3, 2010
Latitude / Longitude:
27°54'0"N / 82°38'11"W
Section / Township / Range:
10 1/2 / 31 S / 22 E
Project: **Operation of a Used
Oil Processing Facility.**

This permit is issued under the provisions of Chapter 403.75 through 403.769, Florida Statutes (FS), and Rules 62-710 and 62-4, Florida Administrative Code (FAC). The above named permittee is hereby authorized to perform the work or operate the facility shown on the "Used Oil Processing Facility Permit Application" and approved drawings, plans, and other documents, attached hereto or on file with the Department and made a part hereof and specifically described as follows:

To operate a Used Oil Processing Facility located at 843 43rd Street South, St. Petersburg, Pinellas County, Florida. A diagram of the site layout is included as **Attachment A**.

Used Oil Activities

The facility is authorized to process used oil and used oil filters (as described in 40 CFR 279 and 62-710, FAC) solely for the purpose of energy recovery. Also covered under this permit are materials generated from facility processing operations such as sludges, residues, and by-products from filters, tank bottoms and/or storage tanks which are also destined for energy recovery and used antifreeze for recycling. This permit does not authorize the consolidation and/or processing of solid wastes as described in 62-701, FAC.

The facility has 47 Aboveground Storage Tanks that may be used to store or process used oil, petroleum contact water, oily wastewater and other non-hazardous wastewaters. These tanks are shown in **Attachment B** of the permit.

Other Activities

The facility also manages petroleum contact water (PCW), industrial wastewater and rain water which is pretreated in its wastewater treatment process (which consists of flow equalization, gravity separation, chemical treatment, flocculation, coagulation, oxidation, filtration and air stripping) prior to discharge to the St. Petersburg sewer system (performed pursuant to a permit issued by the City of St. Petersburg) and drum recycling.

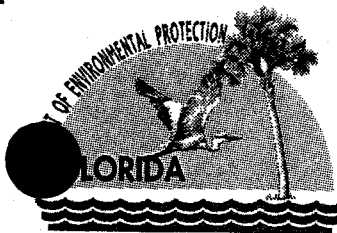
The permit application and related attachments first submitted on July 26, 2005 and all subsequent submittals and revisions thereafter were utilized in the preparation of this document and are considered a part thereof.

Upon issuance, this permit replaces expired permit No. 92465-HO06-001

HOWCO USED OIL PROCESSOR PERMIT

SPECIAL CONDITIONS

- All solid waste streams at the facility shall be characterized, at least annually, prior to the addition of any solidification agents.
- HOWCO shall maintain records of waste determinations or certifications from each generator for all potential waste streams (e.g. waste antifreeze) received at the facility that are not recycled.
- HOWCO shall sample and analyze each batch (tank) of processed used oil for off-site shipment to determine if the processed oil meets the on-specification criteria. This classification of on-specification used oil fuel must meet the requirements of the rebuttable presumption and the analytical parameters shown in Table 4-1 of the application and listed in 40 CFR Part 279. HOWCO shall duly note the batch number of any batch (tank) that does not meet the on-specification used oil fuel criteria and the disposition of that batch (tank) in the facility's daily operating logs. The processed oil tank sampled for off-site shipment shall not have additional used oil added to the tank once the sample has been obtained. The tank shall be tagged out to prevent the addition of other wastes or processed used oil that would invalidate the analysis.
- Solid Waste -



Department of Environmental Protection

Jeb Bush
Governor

Southwest District
3804 Coconut Palm Drive
Tampa, Florida 33619

Colleen M. Castille
Secretary

Mr. Tim Hagan, President
Hagan Holding Company dba HOWCO Environmental Services
3701 Central Avenue
St. Petersburg, Florida 33713

September 20, 2005

**Re: HOWCO Environmental Services Solid Waste Processing Facility
Pending Permit No.: 92465-003-SO, Pinellas County**

Dear Mr. Hagan:

This is to acknowledge receipt of the permit renewal application received August 29, 2005, to construct and operate a waste processing facility.

This letter constitutes notice that a permit will be required for your project pursuant to Chapter(s) 403, Florida Statutes.

Your application for a permit is incomplete. This is the Department's 1st request for additional information. Please provide the information listed below promptly. Evaluation of your proposed project will be delayed until all requested information has been received.

GENERAL:

1. The requested information and comments below do not repeat the information submitted by the applicant. However, every effort has been made to concisely refer to the section, page, drawing detail number, etc. where the information has been presented in the original submittal.
2. Please submit **4 copies** of all requested information. Please specify if revised information is intended to supplement, or replace, previously submitted information. Please submit all revised plans and reports as a complete package. For revisions to the narrative reports, deletions may be struckthrough (~~struckthrough~~) and additions may be shaded **shaded** or similar notation method. This format will expedite the review process. Please include revision date on all revised pages.
3. Please provide a summary of all revisions to drawings, and indicate the revision on each of the applicable plan sheets. Please use a consistent numbering system for drawings. If new sheets must be added to the original plan set, please use the same numbering system with a prefix or suffix to indicate the sheet was an addition, e.g. Sheet 1A, 1B, P1-A, etc.
4. Please be advised that although some comments do not explicitly request additional information, the intent of all comments shall be to request revised calculations, narrative, technical specifications, QA documentation, plan sheets, clarification to the item, and/or other information as appropriate. **Please be reminded that all calculations must be signed and sealed by the registered professional engineer (or geologist as appropriate) who prepared them.**

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9/20

The following information is needed in support of the solid waste application [Chapter 62-701, Florida Administrative Code (F.A.C.)]. Please provide:

1. **Rule 62-701.710(2), F.A.C.** The correct application form for a waste processing facility permit is DEP Form #62-701.900(4). Please address the following comments regarding the permit application form and provide a revised application form with the following information, where applicable on DEP Form #62-701.900(4):
 - a. **Part A.5. - DEP ID Number:** It is noted that the DEP ID number for the facility is SWD-60-86933. Please revise this item of the application form to reflect this ID number.
 - b. **Part A.7. - Location Coordinates:** A review the Department's GIS data indicates that the latitude and longitude coordinates identified on the submitted application form appear to represent a location approximately 570 feet north of the center of the facility. Please submit a revised application form for this item that indicates the latitude and longitude coordinates for the approximate center of the waste processing facility.
2. **Rule 62-701.710(2), F.A.C. DEP Form #62-701.900(4) Part B. - Additional Information:** Please provide the required supporting information for this permit application specified by each of the items listed in this section of the application form and required by the referenced Department rule. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.
3. **Rule 62-701.300, F.A.C.** Please address and confirm that each of the F.A.C. Rule 62-701.300 prohibitions will not be violated by the proposed operation of the waste processing facility. Alternatively, previously provided reports which are still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) for each item listed.
4. **Rule 62-701.320(7), F.A.C.** Please provide a revised permit application and supporting information that is prepared under the direction of and signed and sealed by a professional engineer registered in the State of Florida.
5. **Rule 62-701.320(7), F.A.C.** Please provide a revised permit application that complies with the content and format specified by Rule 62-701.320(7), F.A.C.
6. **Rule 62-701.320(7)(i), F.A.C.** Please provide a history and description of all enforcement actions described in Rule 62-701.320(3), F.A.C., involving the applicant and/or the officers/agents of the corporation during the last five years, related to this and any other solid waste management facilities in the State of Florida.
7. **Rule 62-701.320(8), F.A.C.** Please publish the attached Notice of Application and provide proof of publication to the Department.
8. **Rule 62-701.710(2)(a), F.A.C.** The information provided with this application failed to adequately describe and project future types and quantities of solid waste to be collected, stored, processed, or disposed, as related to the solid waste management facility, and failed to provide the supporting assumptions used to make these projections. Please provide this information.

9. **Rule 62-701.710(2)(b), F.A.C.** The site plan provided with this application failed to show the site conditions and details specified by Rule 62-701.710(2)(b), F.A.C. Please provide this information.
10. **Rule 62-701.710(2)(c), F.A.C.** The information provided with this application failed to identify and describe the operation, functions, design criteria and expected performance of the processing equipment associated with the solid waste processing facility as specified by Rule 62-701.710(2)(c), F.A.C. Please provide this information.
11. **Rule 62-701.710(2)(d), F.A.C.** The information provided with this application failed to describe the loading, unloading, storage, and processing areas associated with the solid waste processing facility as specified by Rule 62-701.710(2)(d), F.A.C. Please provide this information.
12. **Rule 62-701.710(2)(e), F.A.C.** The information provided with this application failed to identify and provide the capacity of the on-site storage areas associated with the solid waste processing facility as specified by Rule 62-701.710(2)(e), F.A.C. Please provide this information.
13. **Rule 62-701.710(2)(f), F.A.C.** The information provided with this application failed to provide a plan for disposal and waste handling capabilities in the event of operation interruption associated with the solid waste processing facility as specified by Rule 62-701.710(2)(f), F.A.C. Please provide this information.
14. **Rule 62-701.710(2)(g), F.A.C.** Please provide a boundary survey, legal description, and topographic survey of the property. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.
15. **Rule 62-701.710(2)(h), F.A.C.** The information provided in Attachment 1 of this application failed to provide an operation plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(4), F.A.C. Please provide this information.
16. **Rule 62-701.710(2)(i), F.A.C.** The information provided in Attachment 8 of this application failed to provide a closure plan associated with the solid waste processing facility that describes how the facility will comply with Rule 62-701.710(6), F.A.C. Please provide this information.
17. **Rule 62-701.710(2)(i), F.A.C.** The information provided in Attachment 8 of this application failed to specifically identify the closure activities associated with the solid waste processing facility, failed to provide the documentation, calculations, and assumptions utilized in support of the quantities provided, and failed to provide current third-party estimates in support of the loading, hauling, disposal, and site cleanup costs, associated with closure of the solid waste processing facility. Please provide this information.
18. **Rule 62-701.710(3), F.A.C.** The information provided with this application failed to provide a demonstration that the solid waste processing facility conforms to the design requirements for a waste processing facility as specified by Rule 62-701.710(3), F.A.C. Please provide this information.
19. **Rule 62-701.710(7)(a), F.A.C.** The information provided with this application failed to provide documentation of compliance with the financial assurance requirements of Rule 62-701.710(7)(a), F.A.C. Please provide this information.

20. **Rule 62-701.710(8)), F.A.C.** The information provided with this application failed to document that stormwater control associated with the solid waste processing facility has been addressed as specified by Rule 62-701.710(8), F.A.C. Please provide this information. Previously provided information which is still valid may be referenced, but must be specifically referenced (by document name, document date, author, and specific page and/or plan number) and verify that a copy of this information is in the Department's current files or provide an additional copy of the information.

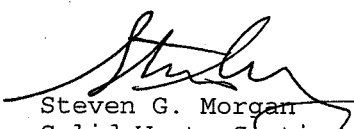
21. **Rule 62-701.710(9), F.A.C.** The information provided with this application failed to identify and describe the recordkeeping criteria and procedures associated with the solid waste processing facility. Please provide this information.

Please provide all responses that relate to engineering for design and operation, including plan sheets, signed and sealed by a professional engineer. Responses that relate to the facility operations should be included as part of the Operation Plan. All replacement pages should be numbered, and with revision date.

"NOTICE! Pursuant to the provisions of Section 120.60, F.S., if the Department does not receive a response to this request for information within 90 days of the date of this letter, the Department may issue a final order denying your application. You need to respond within 30 days after you receive this letter, responding to as many of the information requests as possible and indicating when a response to any unanswered questions will be submitted. If the response will require longer than 30 days to develop, you should develop a specific timetable for the submission of the requested information for Department review and consideration. Failure to comply with a timetable accepted by the Department will be grounds for the Department to issue a Final Order of Denial for lack of timely response. A denial for lack of information or response will be unbiased as to the merits of the application. The applicant can reapply as soon as the requested information is available."

You are requested to submit 4 copies of your response to this letter as one complete package with an original and three copies of all correspondence (with one copy sent to Ms. Susan Pelz). If there are points that must be discussed and resolved, please contact me at (813) 744-6100 ext. 385.

Sincerely,


Steven G. Morgan
Solid Waste Section
Southwest District

SM/sgm

Attachments

Cc: Kelsi Oswald, Pinellas County SW, 3095 114th Ave. N. St. Petersburg, Fl. 33716
Fred Wick, FDEP Tallahassee
Al Gephart, FDEP Tampa - HW ✓
John Griffith, FDEP Tallahassee - ERP
Susan Pelz, P.E., FDEP Tampa

62-110.106(5). Notices: General Requirements.

Each person who files an application for a Department permit or other notice as may publish or be required to publish a notice of application or other notice as set forth below in this section. Except as specifically provided otherwise in this paragraph, each person publishing such a notice under this section shall do so at his own expense in the legal advertisements section a newspaper of general circulation (i.e., one that meets the requirements of sections 50.011 and 50.031 of the Florida Statutes) in the county or counties in which the activity will take place or the effects of the Department's proposed action will occur, and shall provide proof of the publication to the Department within seven days of the publication.

62-110.106(6). If required, the notice shall be published by the applicant one time only within fourteen days after a complete application is filed and shall contain the name of the applicant, a brief description of the project and its location, the location of the application file, and the times when it is available for public inspection. The notice shall be prepared by the Department and shall comply with the following format:

**State of Florida
Department of Environmental Protection
Notice of Application**

The Department announces receipt of an application for permit from Hagan Holding Company for a permit renewal to construct and operate a Solid Waste Processing Facility, subject to Department rules, at the HOWCO Environmental Services Solid Waste Processing Facility located at 843 43rd Street South, St. Petersburg, in Pinellas County, Florida.

This application is being processed and is available for public inspection during normal business hours, 8:00 a.m. to 5:00 p.m., Monday through Friday, except legal holidays, at the Department of Environmental Protection, Southwest District Office, 3804 Coconut Palm Drive, Tampa, Florida 33619-1352.

Dregne, James

From: Gephart, Albert
Sent: Wednesday, August 17, 2005 10:28 AM
To: Pelz, Susan
Cc: Dregne, James
Subject: HOWCO Permit Renewal Application

I spoke with Subra Putcha this morning concerning the application fees entered into PA. As you noted, the entries were for the HOWCO facility in the Central District. Subra said that he has not created a project nor entered fees received for HOWCO / St.Pete into the PA Database. So I do'nt know what the fees listed for the Central District are for. Subra will link the fees to a project once all of the fees are received. HOWCO owes us \$1500 dollars more for the Used Oil portion plus your Solid Waste application fee. Once all of the fees have been received, the clock starts. Tally will not be reviewing the renewal application until all of the fees have been submitted.

AFG

Albert F. Gephart
Engineering Specialist IV
Hazardous Waste Management
Phone: (813) 744-6100 Ext. 372
Fax: (813) 744-6125
email: albert.gephart@dep.state.fl.us

3/28/2006

USED OIL PROCESSING FACILITY PERMIT APPLICATION CHECKLIST

Facility Name HOWCO ENVIRONMENTAL SERVICES
Date of Submittal Received July 26, 2005 (LATE)

Permit Application Number 92465-HO06-002
Permit Reviewer's Name Al Gephart

Page/ Paragraph	Review Item	Reference	Complete? Y/N or N/A	Comments
Part I A. General Information				
P. 8 Item 4	New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/> Modification _____ Date old permit expires <u>8/3/05</u> Revision Number (date) <u>7/5/05</u> Date current operation began: <u>1972</u>		N Y Y Y	Based on the total contents of the renewal application, items noted on this checklist and attached comments.
P. 8 Item 6	Facility name: <u>Howco Environ. Services</u>		Y	
P. 8 Item 7	EPA identification number: <u>FLD 152 764 767</u>		Y	
P. 8 Item 8	Facility location or street address:		Y	
P. 8 Item 9	Facility mailing address:		Y	
P. 8 Item 10	Contact person information:		Y	
P. 8 Item 11	Operator's name and information:		Y	
P. 8 Item 12	Facility owner's name and information:		Y	
P. 9 Item 13	Legal structure: <input checked="" type="checkbox"/> corporation (state of corporation: <u>FL</u>) <input type="checkbox"/> individual (name and address of each owner) <input type="checkbox"/> partnership (name and address of each owner) <input type="checkbox"/> other (specified) <input type="checkbox"/> if assumed name, county/state of name registration Site ownership status		Y N/A N/A N/A N/A N/A Y	
P. 15	Professional Engineer information: (name, registration number, address) a. certification of secondary containment adequacy (capacity), structural integrity, (structural strength), and underground process piping for storage tanks, process tanks, and container storage b. certification of leak detection. c. certification of any substantial construction modifications. d. certification of closure plan. e. certification of tank design for new or additional tanks f. recertification of any of the above		Y N/A N/A N/A N/A N/A Y	
P. 15	Recertification of all of the above.			

Page/ Paragraph	Review Item	Reference	Complete? Y/N or N/A	Comments
C. Operating Information:				
P. 10 Item C.1	1. HW generator status: <u>CESQG</u>		Y	
P. 10 Item C.2	2. Applicable EPA HW codes: <u>D001 / D007 / D008</u>		N	Add D018 (Benzene)
P. 1 paragraph 1 P. 1 and P. 2 P. 1 paragraph 2	3. Brief description of facility operation: nature of business: activities to be conducted: number of employees: Attachment Number <u>1</u>		Y Y Y Y	
Pages 3 thru 5	4. Process flow description: Site map showing legal boundaries of facility which includes: a. access control (fences, gates) b. buildings and other structures c. tanks and containers d. loading/unloading areas e. drainage or flood control barriers f. runoff control system (or refer to stormwater permit) Attachment Number <u>2</u>		Y N N N N N N	There is no site map in Attachment #2 and there is no reference to where the site map is located in the application.
Pages 7 thru 9 P. 7 P. 8 paragraph 5	5. a. Analysis Plan. The Plan Includes: i. sampling plan ii. fingerprint analysis on incoming shipments iii. representative analysis on outgoing shipment (metal/halogen) Attachment Number <u>3</u>		Y Y Y N	The sampling frequency is not correct and the random sampling method has not been included.
Pages 10 and 11 P. 10 paragraph 4	b. Sludge/Residue/Byproduct Management: The plan includes: i. characterization analysis ii. frequency of sludge removal Attachment Number <u>4</u>		Y N/A	
P. 12 para 1 & 3 P. 12 para 1 & 3	c. Tracking Plan: The plan includes: i. name/address/EPA ID of transporter ii. origin/destination/quantities/dates of all incoming and outgoing shipments Attachment Number <u>5</u>		N N N	Some information listed in 40 CFR 279.56 is not stated in the application.
P. 19 paragraph 5 P. 16 Item 4 P. 20 paragraph 1	6. Preparedness and Prevention Plan: The plan includes: a. communications/alarm system b. ER communication device c. Fire/Spill Control equipment d. Water at adequate volume/pressure		Y Y Y N	Facility is close to City fire hydrants
P. 20 paragraph 2 P. 19 paragraph 4	e. emergency equipment testing/maintenance f. com/alarm where used oil handled		Y Y	

Page/ Paragraph	Review Item	Reference	Complete? Y/N or N/A	Comments
P. 20 paragraph 3 P. 14 paragraph 1 P. 14 paragraph 1 P. 22 P. 19 paragraph 4 P. 16 paragraph 2	g. proper aisle space for containers/equipment h. arrangements with local authorities i. arrangements with hospital j. primary/supporting authorities k. State ER teams/contractors/suppliers l. documentation of any refusal m. corrective actions for spills/leaks Attachment Number 6		Y Y Y Y Y N Y	Not mentioned in text.
P. 18 Item 6 P. 18 Item 6 P. 17 paragraph 2 P. 18 Item 6	7. Contingency Plan and Emergency Procedures: The plan includes: a. specific actions/procedures to follow b. emergency response arrangements c. names/addresses/phone numbers of PICs d. PIC procedure to activate plan e. inventory/location of emergency equipment f. containers/tanks available to hold releases g. how equipment replaced/cleaned h. evacuation plan i. copies maintained at facility j. amendments when needed k. incident reporting Attachment Number 6		Y Y Y Y N N Y N Y Y Y	No list or site location map. Not provided in Plan. No Evacuation Plan.
P. 21 Item 7 P. 14 Item 1.3 P. 21 Item 10 P. 21 Item 8				
P. 23 paragraph 1 P. 23 paragraph 1 P. 23 paragraph 5	8. Unit Management: The plan includes: "Used Oil" labeling documentation a. For containers: i. adequate aisle space ii. adequate secondary containment (design, capacity, specs) iii. inspections iv. corrective actions b. For tanks: i. All aboveground storage and process tanks comply with: 62-762.500 (Performance Standards for New Storage Tank Systems) 62-762.510 (Performance Standards for Existing Shop-Fabricated Tank Systems) 62-762.520 (Performance Standards for Existing Field-Erected Tank Systems) 62-762.600 (General Release Detection Standards) 62-762.700 Repairs to Storage Tank System		N Y N Y Y ?	N Y N Need Figures, Dimensions Y and Calculations Y

Page/ Paragraph	Review Item	Reference	Complete? Y/N or N/A	Comments
P. 23 paragraph 5	ii. All underground storage and process tanks comply with: 62-761.500 (Performance Standards for New Storage Tank Systems) 62-761.520 (Performance Standards for Other Existing Petroleum and Petroleum Product Storage Systems: Non-vehicular fuels) 62-761.600 (General Release Detection Standards) 62-761.620 (Release Detection Standards for Other Regulated Substance Tanks) 62-761.630 (Release Detection Standards for Integral Piping) 62-761.700 (Repairs to Storage Tank Systems)			
P. 23 paragraph 5	iii. Storage and process tank closure plan which complies with: 62-761.800 (Underground Storage Tank Systems: Out-of-Service and Closure Requirements) 62-762.800 (Aboveground Storage Tank Systems: Out-of-Service and Closure Requirements)			
P. 23 paragraph 5	iv. Storage and process tank inspection and monitoring plan complies with: 62-761.600 (Underground Storage Tank Systems: General Release Detection Standards) 62-762.600 (Aboveground Storage Tank Systems: General Release Detection Standards)			
P. 23 paragraph 5	c. A plan for removal of released material and accumulated precipitation from secondary containment			
	Attachment Number 7			
P. 25 paragraph 4	9. Closure Plan The plan includes:			
P. 25 paragraph 1	a. closure schedule			
P. 24 para 2 thru 6	b. listing of tanks, containers, pipes, equipment that will be cleaned/closed			
P. 25 para 1&2	c. procedures for decontamination of tanks, containers, equipment and other process area			
P. 25 paragraph 2	d. listing and justification of sampling methods (including # of samples), sampling parameters, and analytical methods in accordance with SW-846 or equivalent.			
P. 24 para 2&3	e. description of characterization and disposal of rinsewaters and residues generated from clean-up and closure activities			
P. 24 paragraph 4	f. description of characterization and disposal of solid wastes generated from clean-up and closure activities.			
P. 24 paragraph 6	g. description of soil sampling near secondary containment.			
	i. description of how, if soil is contaminated, the groundwater will be sampled.			
	ii. description of how, if groundwater is contaminated, the facility will meet closure requirements of 40 CFR 265.310, Closure and Post-Closure Permit			
	Attachment Number 8			

Doesn't include timeline.
Need to create or
reference a listing.

Page/ Paragraph	Review Item	Reference	Complete? Y/N or N/A	Comments
P. 27 paragraph 1	10. Employee Training Program: The program includes:			
	a. documents describing the methods and/or materials used to familiarize employees with all state and federal rules and regulations.		Y	
	b. method of documentation used to demonstrate that employees have been trained to use emergency equipment.		N	There is no mention of site specific emergency training.
P. 27 paragraph 3	c. description of how employee education program is updated to address changes in applicable regulations or facility operations.		Y	
	Attachment Number <u>9</u>			
P. 12	Part II - Certification (Certifications must contain the original signatures - no copies)			
P. 13	1. Facility Operator Certification [Form 62-710.901(a)]		Y	Owner Certification does not include facility name,
P. 14	2. Facility Owner Certification [Form 62-710.901(b)]		Y	EPA ID#, name is not
P. 15	3. Land Owner Certification [Form 62-710.901(c)]		Y	printed and date and
	4. Professional Engineer Certification [Form 62-710.901(d)] Seal affixed		Y	phone # not included.

HOWCO Permit Renewal Application July 15, 2005

SWD Hazardous Waste Section Comments*

GENERAL

If the renewal application is to be a "stand-alone" document, not pages to be inserted into the previous application, there are several items missing. Please submit the following: Emergency Containment #1 (Drawing D-6-1), Emergency Containment #1,2 and 3 (Figure D-6-2), Process and Equipment Storage Plan (Drawing D-8-1), Sampling Locations For Closure (Drawing 10-1), Traffic Routing, Fire Protection Equipment and Escape and Evacuation Routes (Drawing D-8-2).

Please provide a Table of Contents.

Please revise the Revision Numbers to be consistent. There are pages with revision number mw1 and some with revision 0, both having the same date.

APPLICATION FORM, PART 1

Part I, A, page 8, Item #3

Please add to the text that HOWCO is a generator of used oil (vehicle maintenance).

ATTACHMENT #2, DETAILED PROCESS DESCRIPTION

Page 3, 1st paragraph, it is stated that, "the facility receives petroleum product water (PPW)." Please revise the sentence to state that it receives, "petroleum contact water (PCW)."

[FDEP Note: Page 4, 4th paragraph. Ensure that the constituents to be sampled for are listed in the facility's permit.]

[FDEP Note: Page 5. Because much of the text on handling used antifreeze has been deleted, the new permit should restrict HOWCO to 100% recycling of used antifreeze; none of the waste antifreeze would be allowed in HOWCO's processing or wastewater pre-treatment facilities.]

Page 6, Tables 1,2 and 3.

The drawings included in the renewal application do not indicate the location of the three containment areas denoted in the Tables. Please submit facility drawings that depict the location of the containment areas, the dimensions of the containment areas and the dimensions of the tanks within them.

Also, the renewal application does not provide the calculations for determining the capacity of the secondary containment areas. Please submit a set of calculations with the signature and seal of the professional engineer.

ATTACHMENT #3, ANALYSIS PLAN

Page 7, Used Oil, Item #1, Sampling, 2nd sentence. Please re-write the sentence to state, "The bailer and/or caliwasa will be inserted into the bottom of the vehicle or container and"

* These Comments DO NOT Include Those Of The SWD Solid Waste Section.

Page 8, 4th paragraph. Please revise the analysis to reflect the sampling plan agreed to by FDEP and the facility. One batch (tank) of processed used oil is to be tested EVERY TWO WEEKS using the following procedure that randomly selects a sample from one of the ten (10) tanks and tested to determine if it meets the on-spec criteria in 40 CFR 279.11 (Table 1).

One processed used oil sample shall be taken once every two weeks. The sample shall be obtained from one of the ten tanks used to store processed used oil. The dates that the samples will be taken will be determined on the first day of the month by selection on a random basis using Appendix D Random Number Table and Procedure in EPA-600/2-80-018. "Samplers and Sampling Procedures for Hazardous Waste Streams", as referenced by SW-846. On the date the sample is to be collected, the same procedure shall be used to select which tank will be sampled from the population of full tanks at the time of sampling.

Page 8 The renewal application has a section titled, "Incoming non-hazardous solids." Please change the title of this section to, "Incoming Oily Solid Wastes." This section does not apply to solid wastes in the solid waste portion of the permit.

[FDEP Note: Page 9. I don't believe we should accept a "blanket" statement that all generator's solid waste determinations are valid for 5 years.]

ATTACHMENT #4, SOLID WASTE HANDLING

Page 10, "Removal of oily solids from used oil processing." Please revise the 3rd paragraph to state, ".... to be analyzed for TCLP Metals and VOCs."

ATTACHMENT #5, TRACKING PLAN

Page 12. Please revise the paragraphs to include all of the "acceptance" and "delivery" criteria in 40 CFR 279.56.

ATTACHMENT #6, EMERGENCY PREPAREDNESS, PREVENTION & CONTINGENCY PLAN.

Please provide a section for an evacuation plan including activation and an evacuation site diagram depicting exit routes and gathering places for facility personnel.

Please provide a section for a listing of containers/tanks available to hold releases.

Page 14, Item 1.1. Please add the following to the end of the paragraph, "The facility will notify the Department of any refusal by local fire, police and hospital."

Page 15, "Emergency Equipment Available". Please submit a revised, if a revision is necessary, Drawing D-4-1, "Fire Fighting Equipment Location."

Page 17, Section 4.0, lists Richard Dillen as the secondary emergency coordinator OR Tim Hagan. If Tim Hagan is to be listed, please designate him as the third emergency coordinator.

Page 18, Item 6.1, paragraph 1 and Item 6.2, paragraph 1. Please add to the text that the PIC will activate facility emergency alarms and notify facility personnel.

Page 18, Item 6.2. There are two references to an Appendix B (list of local authorities). Please submit a copy of Appendix B and a description and copy of Appendix A. There are no Appendices listed in Attachment 6, "Table of Contents."

Page 19, Item 6.3. There is mention of an Appendix B (list of emergency equipment). This conflicts with the previous section (Item 6.2). See preceding comment. Please resolve this discrepancy and submit a copy of the appendix containing the emergency equipment.

Page 21, Item 8.0. Please include additional text stating that the PIC shall notify the Department when the facility has returned to compliance and prior to resuming operations.

ATTACHMENT #7, UNIT MANAGEMENT DESCRIPTION

Please revise this attachment to address the following:

Personnel are to ensure that used oil containers are properly labeled; and

Provide site diagrams, a listing of tanks and their respective containment areas and the design, dimensions and calculations to support that the secondary containment areas are sufficient.

ATTACHMENT #8, CLOSURE PLAN

Please add a timeline to the Closure Schedule.

Please include a list of tanks, containers, piping and equipment that will be cleaned/closed.

Paragraphs 4 and 5 from the Closure Plan in the 7/21/99 permit application (soil sampling locations) should be included in the 7/15/05 permit application Closure Plan.

Page 25. More detail is needed in the solid waste closure cost estimate. The 7/21/99 permit application has a solid waste closing cost of \$58,760. Please justify why this cost is only \$11,500 in the 7/5/05 permit renewal application.

The Facility should consider submitting a Closure Cost Estimate Form [62-710.901(7)] for the used oil processing portion of the facility since it will be due in December 2005.

ATTACHMENT #9, TRAINING

Please add a section to address employee training for site specific safety and use of emergency equipment.

USED OIL PROCESSING FACILITY PERMIT APPLICATION CHECKLIST

Facility Name HOWCO ENVIRONMENTAL SERVICES Permit Application Number 92465-HO06-002
 Date of Submittal Received July 26, 2005 (LATE) Permit Reviewer's Name Al Gephart

Page/ Paragraph	Review Item	Reference	Complete? Y/N or N/A	Comments
Part I A. General Information				
	New <input type="checkbox"/> Renewal <input checked="" type="checkbox"/>		N	Based on the total contents of the renewal application, items noted on this checklist and attached comments.
P. 8 Item 4	Modification <u> </u> Date old permit expires <u>8/3/05</u> Revision Number (date) <u>7/5/05</u> Date current operation began: <u>1972</u> Facility name: <u>Howco Environ. Services</u> EPA identification number: <u>FLD 152 764 767</u> Facility location or street address: Facility mailing address: Contact person information: Operator's name and information: Facility owner's name and information:		Y Y Y Y Y Y Y Y Y Y	
P. 8 Item 12	Legal structure: <input checked="" type="checkbox"/> corporation (state of corporation: <u>FL</u>) <input type="checkbox"/> individual (name and address of each owner) <input type="checkbox"/> partnership (name and address of each owner) <input type="checkbox"/> other (specified) <input type="checkbox"/> if assumed name, county/state of name registration Site ownership status		Y N/A N/A N/A N/A Y	
P. 9 Item 13	Professional Engineer information: (name, registration number, address)		Y	
P. 15	a. certification of secondary containment adequacy (capacity), structural integrity, (structural strength), and underground process piping for storage tanks, process tanks, and container storage b. certification of leak detection. c. certification of any substantial construction modifications. d. certification of closure plan. e. certification of tank design for new or additional tanks f. recertification of any of the above		N/A N/A N/A N/A Y	Recertification of all of the above.

C. Operating Information:				
P. 10 Item C.1	1. HW generator status: CESQG		Y	
P. 10 Item C.2	2. Applicable EPA HW codes: D001 / D007 / D008		N	Add D018 (Benzene)
P. 1 paragraph 1	3. Brief description of facility operation:		Y	
P. 1 and P. 2	nature of business:		Y	
P. 1 paragraph 2	activities to be conducted:		Y	
	number of employees:		Y	
	Attachment Number 1			
Pages 3 thru 5	4. Process flow description:		Y	
	Site map showing legal boundaries of facility which includes:			There is no site map in Attachment #2 and there is no reference to where the site map is located in the application.
	a. access control (fences, gates)		N	
	b. buildings and other structures		N	
	c. tanks and containers		N	
	d. loading/unloading areas		N	
	e. drainage or flood control barriers		N	
	f. runoff control system (or refer to stormwater permit)		N	
	Attachment Number 2			
Pages 7 thru 9	5. a. Analysis Plan. The Plan Includes:		Y	
P. 7	i. sampling plan		Y	
P. 8 paragraph 5	ii. fingerprint analysis on incoming shipments		N	The sampling frequency is not correct and the random sampling method has not been included.
Pages 10 and 11	iii. representative analysis on outgoing shipment (metal/halogen)			
P. 10 paragraph 4	Attachment Number 3		Y	
	b. Sludge/Residue/Byproduct Management: The plan includes:		N/A	
	i. characterization analysis			
	ii. frequency of sludge removal			
	Attachment Number 4			
	c. Tracking Plan: The plan includes:			
P. 12 para 1&3	i. name/address/EPA ID of transporter		N	Some information listed in 40 CFR 279.56 is not stated in the application.
P. 12 para 1&3	ii. origin/destination/quantities/dates of all incoming and outgoing shipments		N	
	Attachment Number 5			
P. 19 paragraph 5	6. Preparedness and Prevention Plan: The plan includes:		Y	
P. 16 Item 4	a. communications/alarm system		Y	
P. 20 paragraph 1	b. ER communication device		Y	
	c. Fire/Spill Control equipment		N	Facility is close to City fire hydrants
P. 20 paragraph 2	d. Water at adequate volume/pressure		Y	
P. 19 paragraph 4	e. emergency equipment testing/maintenance		Y	
	f. com/alarm where used oil handled		Y	

Page
Paragraph

Review Item

Reference

Complete?
Y/N or N/A

Comments

P. 20 paragraph 3	g. proper aisle space for containers/equipment	Y	
P. 14 paragraph 1	h. arrangements with local authorities	Y	
P. 14 paragraph 1	i. arrangements with hospital	Y	
P. 22	j. primary/supporting authorities	Y	
P. 19 paragraph 4	k. State ER teams/contractors/suppliers	Y	
P. 16 paragraph 2	l. documentation of any refusal	N	Not mentioned in text.
	m. corrective actions for spills/leaks	Y	
	Attachment Number <u>6</u>		
	7. Contingency Plan and Emergency Procedures: The plan includes:		
P. 18 Item 6	a. specific actions/procedures to follow	Y	
P. 18 Item 6	b. emergency response arrangements	Y	
P. 17 paragraph 2	c. names/addresses/phone numbers of PICs	Y	
P. 18 Item 6	d. PIC procedure to activate plan	Y	
	e. inventory/location of emergency equipment	N	No list or site location map.
	f. containers/tanks available to hold releases	N	Not provided in Plan.
P. 21 Item 7	g. how equipment replaced/cleaned	Y	
	h. evacuation plan	N	No Evacuation Plan.
P. 14 Item 1.3	i. copies maintained at facility	Y	
P. 21 Item 10	j. amendments when needed	Y	
P. 21 Item 8	k. incident reporting	Y	
	Attachment Number <u>6</u>		
	8. Unit Management: The plan includes:		
	"Used Oil" labeling documentation	N	
	a. For containers:		
P. 23 paragraph 1	i. adequate aisle space	Y	
P. 23 paragraph 1	ii. adequate secondary containment (design, capacity, specs)	N	Need Figures, Dimensions
P. 23 paragraph 5	iii. inspections	Y	and Calculations
	iv. corrective actions	Y	
	b. For tanks:		
	i. All aboveground storage and process tanks comply with:	?	
	62-762.500 (Performance Standards for New Storage Tank Systems)		
	62-762.510 (Performance Standards for Existing Shop-Fabricated Tank Systems)		
	62-762.520 (Performance Standards for Existing Field-Erected Tank Systems)		
	62-762.600 (General Release Detection Standards)		
	62-762.700 Repairs to Storage Tank System		

P. 23 paragraph 5	ii.	All underground storage and process tanks comply with:		
		62-761.500 (Performance Standards for New Storage Tank Systems)		
		62-761.520 (Performance Standards for Other Existing Petroleum and Petroleum Product Storage Systems: Non-vehicular fuels)		
		62-761.600 (General Release Detection Standards)		
		62-761.620 (Release Detection Standards for Other Regulated Substance Tanks)		
		62-761.630 (Release Detection Standards for Integral Piping)		
		62-761.700 (Repairs to Storage Tank Systems)		
	iii.	Storage and process tank closure plan which complies with:		
		62-761.800 (Underground Storage Tank Systems: Out-of-Service and Closure Requirements)		
		62-762.800 (Aboveground Storage Tank Systems: Out-of-Service and Closure Requirements)		
P. 23 paragraph 5	iv.	Storage and process tank inspection and monitoring plan complies with:		
		62-761.600 (Underground Storage Tank Systems: General Release Detection Standards)		
P. 23 paragraph 5		62-762.600 (Aboveground Storage Tank Systems: General Release Detection Standards)	Y	
	c.	A plan for removal of released material and accumulated precipitation from secondary containment	Y	
Attachment Number <u>7</u>				
9. Closure Plan The plan includes:				
P. 25 paragraph 4	a.	closure schedule	Y	Doesn't include timeline. Need to create or reference a listing.
P. 25 paragraph 1	b.	listing of tanks, containers, pipes, equipment that will be cleaned/closed	N	
P. 24 para 2 thru 6	c.	procedures for decontamination of tanks, containers, equipment and other process area	Y	
	d.	listing and justification of sampling methods (including # of samples), sampling parameters, and analytical methods in accordance with SW-846 or equivalent.	Y	
P. 25 para 1&2	e.	description of characterization and disposal of rinsewaters and residues generated from clean-up and closure activities	Y	
P. 25 paragraph 2	f.	description of characterization and disposal of solid wastes generated from clean-up and closure activities.	Y	
P. 24 para 2&3	g.	description of soil sampling near secondary containment.	Y	
P. 24 paragraph 4	i.	description of how, if soil is contaminated, the groundwater will be sampled.	Y	
P. 24 paragraph 6	ii.	description of how, if groundwater is contaminated, the facility will meet closure requirements of 40 CFR 265.310, Closure and Post-Closure Permit	Y	
Attachment Number <u>8</u>				

P. 27 paragraph 1	10. Employee Training Program: The program includes:			
	a. documents describing the methods and/or materials used to familiarize employees with all state and federal rules and regulations.		Y	
	b. method of documentation used to demonstrate that employees have been trained to use emergency equipment.		N	There is no mention of site specific emergency training.
	c. description of how employee education program is updated to address changes in applicable regulations or facility operations.		Y	
P. 27 paragraph 3	Attachment Number <u>9</u>			
Part II - Certification (Certifications must contain the original signatures - no copies)				
P. 12	1. Facility Operator Certification [Form 62-710.901(a)]		Y	Owner Certification does not include facility name, EPA ID#, name is not printed and date and phone # not included.
P. 13	2. Facility Owner Certification [Form 62-710.901(b)]		Y	
P. 14	3. Land Owner Certification [Form 62-710.901(c)]		Y	
P. 15	4. Professional Engineer Certification [Form 62-710.901(d)] Seal affixed		Y	